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BLUE RIBBON PANEL
ARI ZONA STATE PRISON COMPLEX - TUCSON
Tucson, Ari zona
February 13, 2004

RAYNBO COURT REPORTING, LTD.
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Reported by: Raynbo Si l va, RPR, CSR, CCR
Certi fied Court Reporter No. 50014

1 MEMBERS OF PANEL PRESENT:
2 DENNIS BURKE, Chairman
3 HERB GUENTHER
4 CHASE RIVELAND
5 SHERIFF ROGER VANDERPOOL
6 LEESA MORRISON
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13 BE IT REMEMBERED that the Blue Ribbon Panel met at
14 the ARIZONA STATE PRISON COMPLEX-TUCSON, 10000 South Wilmot,
15 in the City of Tucson, County of Pima, State of Arizona,
16 before Raynbo Silva, RPR, CSR, CCR, Court Reporter
17 No. 50014, in and for the County of Pima, State of Arizona,
18 on the 13th day of February, 2004, commencing at the hour of
19 11:20 A.M. on said day.

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1 MR. BURKE: I guess we will get started. Good
2 morning. My name is Dennis Burke. I am Chief of Staff for
3 Policy with the Governor's Office. I am one of the

4 co-chairs of this ad hoc advisory panel in response to the
5 incident that occurred beginning on January 18th at the
6 Morey Unit of the Lewis Facility.

7 We have been charged by the Governor to review the
8 incident that happened there and the response to it. And my
9 co-chair here, one of my co-chairs to my left is former
10 senator Herb Guenther and a current director of the
11 Department of Water Resources and, also, the former chair of
12 the Joint Select Committee on Corrections for the Arizona
13 State Legislature.

14 My other co-chair who is not with us today but
15 will be provided a transcript of this is Grant Woods, the
16 former Attorney General of the State of Arizona.

17 Yesterday we conducted over six hours of hearings
18 at the Lewis Facility, hearing from many of your colleagues
19 about many of the issues that we're addressing with this
20 task force.

21 And the day before that we heard for close to
22 three hours from Director Schriro about the incident at the
23 Morey Unit, the response and many of the underlying issues
24 that we'll be addressing.

25 Let me go back and talk about some of the subject

1 matter we're going to be covering. The Governor has asked
2 us for a preliminary report by March 4th, which the panel
3 has decided to focus on what happened at Lewis, why it
4 happened and how to prevent it in the future but, also,
5 we're charged to look at some of the broader issues that
6 might have led to that incident, including the
7 classification system in our State correctional system,

8 staffing, staff training and supervision, recruitment and
9 retention, population management, technology, physical plant
10 improvements, security practices and emergency preparedness.

11 Now this panel's work will be also in conjunction
12 with an administrative review of the incident at the Morey
13 Unit that is well underway and being conducted by Department
14 of Corrections investigators.

15 Also, as part of that administrative review will
16 be individuals from the Tucson Police Department, including
17 the Assistant Chief and Field Services Bureau Commander
18 Roberto Villasenor who was up, he and some of his other
19 colleagues were up at the Morey Unit yesterday for over
20 three hours with the administrative review team going over
21 many of the issues and evidence.

22 And assisting also in that will be the Deputy
23 Director of the Arizona Office of Homeland Security, John
24 Phelps, who also participated in the investigation up until
25 now and was involved in yesterday's briefings at the Morey
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1 Unit.

2 There is also a criminal investigation that's
3 being conducted by the Maricopa County Attorney's Office,
4 and charges have been filed against the two inmates involved
5 in this incident. And the criminal referral was put
6 together by the Department of Corrections criminal
7 investigations unit. And this panel has met with the head
8 of that unit as well as the head of the administrative
9 review investigation and Roberto Villasenor and John Phelps
10 prior to today's hearing.

11 What we're trying to achieve today, and I thought
12 yesterday was very successful, is to hear from you all, from
13 the employees of the Department of Corrections about many of
14 the issues that I mentioned that are a part of our charge.
15 And it is an opportunity, a very open opportunity to provide
16 us your thoughts.

17 And the employees who spoke yesterday at the panel
18 were very, very open, and there was quite lengthy dialogue
19 with many of them about some of the issues they were
20 raising.

21 As I said, this is all being transcribed and very
22 important to us because, as you can see, all of the
23 panelists of this Blue Ribbon Panel are not here today.
24 What you say today, as being transcribed, will provide them
25 an opportunity to review it as we provide our initial report

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1 to the Governor on March 4th.

2 We're going to give a little -- I will introduce
3 all of the other panelists after I let my co-chair, Senator
4 Guenther, provide his opening remarks.

5 Senator?

6 MR. GUENTHER: Thanks, Dennis.

7 Obviously we are here to gather information, and
8 we are looking for whatever it is that concerns you about
9 your work environment and/or your safety in your
10 environment.

11 We are trying to get all of the concerns that are
12 out there and review those and come up with constructive
13 recommendations for change, change that would hopefully
14 minimize the opportunity for another hostage situation,

15 whether it would be at Lewis or other facilities, and to
16 improve your work environment, your working conditions, your
17 training if that's an area that is deficient so that you can
18 do your job better in a more safe environment.

19 That is the goal of this Governor and it has been
20 to bring change to the corrections system, to make it a
21 better place to work, to make it a more secure environment
22 to maintain our criminal population.

23 And so we hope that you will be open and
24 forthright with us. We are very sensitive to any
25 retribution that you may suffer. We will not tolerate that

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1 type of activity by superiors or supervisors in any way,
2 shape or form. So we hope that you will be open and honest
3 with us.

4 We will try to provide you with any answers to
5 concerns that you might have that we might have knowledge
6 of, and we look forward to a productive session today.

7 I will also tell you that if you or others would
8 like to contribute additional information via an e-mail or
9 something, we have just established a separate e-mail
10 address at my office. And that would be all one word now,
11 blueribbonpanel, all one word, blueribbonpanel, lower case,
12 at adwr -- I will repeat a couple of times -- .state.az.us.
13 Again, lower case, blueribbonpanel@adwr.state.az.us.

14 And that specific Web site is just to address DOC
15 concerns about Department of Corrections. We will make that
16 a part of this committee's record. You can either sign it
17 or do it anonymously. It does not make any difference.

18 It's the information that we are after, the information from
19 which we can make constructive suggestions on improving the
20 system.

21 So with that, Dennis?

22 MR. BURKE: Thank you, Senator.

23 To my right is your neighbor to the north, the
24 sheriff of Pinal County, Roger Vanderpool, who has years and
25 years of experience in not only jailing, but in hostage and
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1 emergency situations. He is a great asset to this panel.

2 And I want to thank Sheriff Vanderpool for being
3 part of it and his contribution.

4 Sheriff?

5 SHERIFF VANDERPOOL: Glad to be here. And my
6 background, I am a retired commander with DPS prior to being
7 Sheriff of Pinal County. I hope one of the things that
8 comes out of this is a realization by the whole state of
9 Arizona that the correctional community is a part of law
10 enforcement and is recognized as that. And obviously, some
11 of the root causes of whatever led up to this event did not
12 happen overnight. And it's going to take probably a little
13 while to correct all of them. Thank you.

14 MR. BURKE: Thank you, Sheriff.

15 To the Sheriff's right is Chase Riveland. Chase
16 has served in three states as corrections director. He is
17 also a consultant to numerous corrections directors
18 throughout the country. He brings also a welcome knowledge
19 of correctional systems and reforms, a great addition to
20 this panel, objective and independent thought.

21 And thank you, Chase, for being here today.

22 MR. RIVELAND: I have had the opportunity during
23 the three jurisdictions I served in to go through hostage
24 situations a number of times. And all are traumatic. All
25 are very difficult to deal with. However, I think in each
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1 instance we found that it was a rallying point for staff to
2 figure out how to improve the system and how to make it --
3 try to assure that we mitigate the potential that it might
4 happen again.

5 I have been very pleased to see during the short
6 time we have been able to get through the Lewis Facility and
7 spend time with some staff there that there is some
8 extremely constructive ideas offered yesterday. And I am
9 hoping that you all can contribute to that, also.

10 It's a pleasure to be here.

11 I might also add that one reason I was willing to
12 do this is that I knew your new director, Doris Schriro,
13 when she was the director in Missouri and have the utmost
14 respect for the kinds of things she did in Missouri and in
15 her past, in places as unique as the City of New York and
16 St. Louis. And I think if I hadn't had that kind of respect
17 for her I certainly would not have volunteered to come here
18 albeit your wonderful weather this time of year.

19 MR. BURKE: Thank you, Chase.

20 To Senator Guenther's left is Leesa Morrison, who
21 is the Director of Liquor Control and Licensing, but that is
22 not why she is here today. Leesa is here because she was
23 formerly in the criminal division of the Arizona Attorney
24 General's office for 17 years so has exceptional skills in

25 investigations, and we have asked her also to participate as
10

1 part of this process.

2 Leesa?

3 MS. MORRISON: Good morning. I'm very happy to be
4 part of this panel and to participate in this process. I am
5 from Tucson, so this is home. It was kind of nice coming in
6 here this morning, and the air is clean.

7 Yesterday was an eye opening experience for me.
8 And I really hope that you all are as comfortable and
9 forthright as they were up in Phoenix. It was a long day
10 but a very good day and very educational for all of us. So
11 I hope that you are comfortable in sharing your thoughts,
12 your opinions, your suggestions, so that what happened up in
13 the Morey Unit will never happen again.

14 MR. BURKE: Thank you, Leesa.

15 Additional panel members that are not here today
16 but will be reviewing the transcripts, Tom Stickrath who is
17 the current deputy director of Ohio Department of
18 Corrections. He had to return to Ohio this morning. He was
19 at Lewis yesterday for our hearings there and provides not
20 only his expertise in corrections, but he was involved in
21 the hostage situation in 1994 in Lucasville, Ohio.

22 And he is going to provide tremendous expertise in
23 how the State of Ohio responded to that not only initially
24 but in the years afterwards and reforms they put in place in
25 their correctional systems because of that incident.

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1 Mike Branham, who is the Executive Director of the
2 Arizona Criminal Justice Commission and is also the Acting
3 Director of the Department of Juvenile Corrections, is part
4 of this panel and was not able to attend this morning.

5 And finally, John Cohen, who is a nationally
6 renowned consultant on Homeland Security and is also a
7 former investigator for the United States House Judiciary
8 Committee and, also, the Office of National Drug Control
9 Policy and a former SWAT member in the LA County area for
10 DEA. Mr. Cohen participated in our first meeting the other
11 day by phone. He has been reviewing documents and will be
12 out here later this month to participate in further panel
13 meetings.

14 We are going to also later this month be
15 conducting similar hearings at the Phoenix location for the
16 Department of Corrections on Wednesday, February 25th, and
17 at Florence-Eyman on Thursday, February 26th.

18 So we appreciate you coming today and emphasize
19 once again feel free to be candid and open. And I look
20 forward to your comments today.

21 Before we start I would ask Director Schriro if
22 she would like to make a couple of comments and thank her
23 for her presence here today.

24 MS. SCHRIRO: Thank you, Mr. Chair.

25 Good morning. I am Doris Schriro, your Director.

12

1 As I told you very early during this situation that we would
2 get to the bottom of those things that happened and work
3 together as a people to ensure that they never happen again.

4 And I am very glad that you are here today because you are
5 subject matter experts and you are part of the solution to
6 the things that we have had to grapple with over that 15-day
7 period of time.

8 I really encourage you to speak your mind and
9 express the feelings that you have got in your heart. It
10 will become a matter of public record and will be really
11 instrumental to the panel and to me as to the kinds of fixes
12 that will follow as a result of this.

13 I want to reassure the panel and tell you that any
14 of the resources that are needed so as to have the most
15 successful outcome possible, additional time on your part
16 for additional participation, whatever it is that's required
17 I will make sure that those things happen. Thank you.

18 MR. BURKE: Thank you, Director.

19 Warden Flanagan is also here this morning. I
20 appreciate your presence here, Warden Flanagan. If you had
21 any comments or thoughts you wanted to make?

22 WARDEN FLANAGAN: Thank you very much. I would
23 like to welcome you all, Mr. Chairman and panel members, and
24 I really appreciate the Governor's initiative in setting
25 this panel up to give an opportunity for staff to speak to

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1 you directly.

2 I have no doubt that as a result of what occurred
3 that the investigations will get to the bottom of what
4 occurred and what the issues were. But it's always good to
5 have people from outside of this environment take a look at
6 what we do ourselves.

7 I also offer that I was privileged to be a member

8 of the response team in Lewis from the second day all the
9 way through the end of the incident. And I am extremely
10 proud of the members of the department and the extended law
11 enforcement family to include, I believe it was, a total of
12 18 agencies that came to assist, to help our staff members
13 in need and to resolve this incident and return the
14 institution to our control and to ultimately through the
15 prosecution process make these inmates pay for what they
16 did.

17 I have nothing but the utmost trust and respect in
18 Director Schriro having sat in on almost every meeting that
19 occurred during those two weeks. This traumatic event will
20 leave a scar on us for many, many years to come, but it's
21 also, I think, as Mr. Riveland pointed out, an opportunity
22 for us to improve and change.

23 You will hear from line staff. I offer my
24 18 years of experience starting as a correctional officer
25 all the way through the ranks to warden as a resource for
14

1 you as well. And I know that no resource will be spared in
2 the director's effort to try and get to the bottom of this
3 and do something to help make us better and protect our
4 staff.

5 Thank you.

6 MR. RIVELAND: Warden, may we ask you a couple of
7 questions?

8 WARDEN FLANAGAN: Yes. Of course.

9 MR. BURKE: Would it be helpful for the podium,
10 the microphone?

11 WARDEN FLANAGAN: Sure.

12 MR. RIVELAND: You were in the command post from
13 the second day, did you say?

14 WARDEN FLANAGAN: From the second day, yes.

15 MR. RIVELAND: Through the 18th?

16 WARDEN FLANAGAN: Yes.

17 MR. RIVELAND: We had some testimony yesterday
18 that seemed to be contradictory. One person early on said
19 that he was at some point in time stationed about 100 yards
20 away from the internal tower and that he heard one of the
21 victims screaming for a long period of time during that
22 period of time. And it seemed a little confusing because he
23 was under a closed hatch. And my understanding there were
24 some bugs placed in the tower.

25 Can you relate to that information at all?

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1 WARDEN FLANAGAN: Yes. Absolutely. That yard is
2 very large. It's similar in construction, although a newer
3 model, to one of my institutions here. First of all, I
4 would share with you that I received no report like that
5 while I was up there in the command post, and I functioned
6 as command for a minimum of 12 hours and was actually there
7 for much longer than that every day, went over all of the
8 reports from the previous shifts, so no report like that
9 came to my attention.

10 Secondly, I think it would be very unlikely to be
11 able to hear something like that from one of the outlying
12 areas, and certainly because we had bugs which were placed
13 on the building in the most accessible areas for a number of
14 different time frames during this incident and we could

15 barely get Intel from that. We could barely get information
16 to determine that there were things being said, what
17 specifically was being said.

18 We could hear muffled voice, closing doors, things
19 like that. But it is very, very unlikely that anybody
20 outside of that tower could have heard something like that
21 inside.

22 MR. RIVELAND: I was surprised because having read
23 the statement of that victim, who allegedly was screaming,
24 it certainly sounded like she was amazingly in control
25 through much of that time.

16

1 There also was testimony, I think, from the same
2 individual that suggested that there was a point in time
3 that the sniper teams could have taken out both of them at
4 the same time.

5 Later on the tac team itself who had the sniper
6 team sort of refuted that.

7 But what's your premise about that having been in
8 the command post regarding that issue?

9 WARDEN FLANAGAN: I was in a unique position
10 because I met with the tactical team leaders throughout the
11 period of time that I was in command and then during
12 meetings outside of the time that I was in command during
13 each day, and at no point was I aware that there was ever a
14 tactical option that would have given us a high likelihood
15 of success.

16 I have no doubt in my mind that we would have used
17 a tactical option had one been available to release our

18 staff. But of course, the information provided to us by the
19 subject matter experts, and I have been a tactical support
20 team member in the Department of Corrections all of the time
21 I was in uniform, about 10 years, and they were telling us
22 without any question at all that we did not have a tactical
23 option available to us that would not have resulted in the
24 death of one or both of those hostages before we could get
25 in, primarily because we were unable to get information that

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1 guaranteed us that both inmates were either asleep or not in
2 a position to pick up the weapons and kill the hostages as
3 they had indicated they would and as we had every belief
4 that they would.

5 There was one time that I am aware of where a
6 report came from a single sniper position that two people
7 were visible through those windows. At that point we were
8 not sure that everyone had ammunition that was capable of
9 piercing those windows, number one. Number two, it took us
10 about a week to get everybody tested on shooting through
11 those windows. We actually set up windows that we brought
12 out to a range nearby so that the tactical teams could shoot
13 through the glass and test their ability to shoot through
14 the glass.

15 And without a positive ID on those two people and
16 without absolute surety that we could take them both out and
17 get in, it wasn't a risk worth taking. The lives of our
18 officers were far more important than any need to go rush
19 that building in an inopportune way and an inopportune time.

20 MR. RIVELAND: One last question for me. Maybe
21 putting your warden hat on combined with your experience

22 during that I think one of the statements we heard from
23 several people yesterday was the question of the potential
24 conflict between the department policy, I believe, that says
25 that no one will negotiate for hostages and in this instance

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1 negotiations obviously occurred successfully.

2 As the warden wearing your warden's hat, how do
3 you put that together?

4 WARDEN FLANAGAN: Actually, when I went through
5 COTA class one, the first new style COTA class in January of
6 1986, as an officer we were trained that negotiations was
7 only there to gather information so that an assault could be
8 done.

9 And we were trained later on through various
10 permutations that negotiations would not be done, but in
11 practical terms we have always trained negotiations teams.
12 As a member of the tactical support unit I worked with
13 negotiators. I have an extensive negotiations team here in
14 Tucson. We do as a standard operating practice train for
15 negotiations.

16 I think it was obvious to anybody who had
17 experience in tactical aspects of this operation and in the
18 particular circumstances of trying to assault a fortress in
19 the middle of a yard like that that negotiations were
20 absolutely necessary because we could not risk the lives of
21 our officers to get in. There was much discussion as to
22 whether or not we would do that if immediate harm was being
23 given to our staff members.

24 But we have always used negotiations as a tool.

25 And in this particular instance the experts from law

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1 enforcement and from corrections who knew about this
2 situation knew that negotiations was the primary tool and
3 the only tool that could be safely utilized unless we had or
4 could gather perfect Intel so that we didn't risk those
5 staff members' lives.

6 MR. RIVELAND: Thank you.

7 WARDEN FLANAGAN: Thank you.

8 MR. BURKE: Any questions?

9 Thank you, Warden.

10 Who is going first? If you would just state your
11 name for the court reporter for the record. And then for
12 the court reporter, you just let us know when you need a
13 break.

14 MR. DELLIGATTI: My name is Daniel Delligatti. I
15 am currently assigned as a parole officer at the Pima South
16 Parole Unit in the Community Corrections Division.

17 I have been with the Department of Corrections for
18 almost 10 years. I started back in April or, excuse me,
19 March of 1994.

20 And since that time I have worked as a
21 correctional officer, I have become a member of the tactical
22 support unit, went through the tactical support academy down
23 at ASPC-Douglas, been through their training academy. I'm a
24 certified instructor with the Department of Corrections. I
25 was promoted to a sergeant. I have attended the sergeants

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1 leadership academy. And I have completed the parole
2 officers academy twice. I recently returned to parole about
3 a little over a year ago.

4 And my main concern is that all of this training
5 that I've had I consider training one of our most valuable
6 resources within the department. When I started with the
7 department and went through the correctional officers
8 training academy, I felt the training was extremely
9 valuable.

10 Back when I first came on with the department
11 yearly officers would be required to complete an additional
12 40 hours of training per year. Since that time it's been
13 cut back to approximately 24 hours per year. That's my
14 understanding. I may be mistaken on that, but I think it's
15 something that the board may want to look into.

16 And this all leads to the budget restraints. Now
17 I understand our budget deficit, and I know the concerns of
18 the current legislative budget committee on freeing up
19 money. And the Department of Corrections obviously gets a
20 large slice of that pie, but I think that it's extremely
21 important that the training implementation be reviewed and
22 possibly revised.

23 I believe the entry level requirements as a
24 correctional officer may be inadequate. I'm not slighting
25 the staff up at the Lewis Complex. I think those people
21

1 performed tremendously. While I was assigned to the
2 ASPC-Yuma Complex, I used to often go complete overtime at
3 the Lewis Complex.

4 They are extremely short staffed. In my time as a
5 shift supervisor as a sergeant at the Florence North Unit
6 our critical staffings often dropped below what the
7 mandatory level was, and oftentimes the sergeant had to work
8 in a correctional officer's position.

9 So when you have supervisors filling correctional
10 officers' positions the leadership definitely suffers as a
11 result of that.

12 Our critical staffings can be somewhat of an
13 embarrassment at times. We have very few avenues to resort
14 to change that at the time being or the way it was when I
15 left my supervisor's position to go back into parole.

16 The criteria for promotions has changed since I
17 have entered the department. Some of the things are more
18 stringent and some are more lax.

19 Certainly it's beneficial to have some educational
20 background, which leads to an entirely different issue.
21 Warden Flanagan, who is seated behind me, is one of several
22 people at the administrative level who has come up and
23 worked the trenches, been on the runs, been in the pods and
24 dealt with the inmates directly. But at the same time many
25 of the staff that I have been associated with have expressed

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1 concerns to me when I was the supervisor that too many
2 people at the administrative level don't know what it's like
3 to work in the trenches, to deal with the inmates, to see
4 the feces thrown on some of our fine correctional officers,
5 to see some of the degradation and humiliation they are
6 subjected to on a daily basis day in and day out.

7 Certainly the classification level needs to be

8 looked at. My familiarity with that is not very extensive,
9 so I will reserve comment on that, and I will try to keep my
10 comments brief.

11 I think it's imperative that our administrators
12 appeal to the legislative budget committee to free up more
13 funding. It's imperative.

14 We had some instances at the Lewis Complex prior
15 to this incident that pointed to things needing to be
16 reformed. Something to this magnitude many of my fellow
17 staff told me could have been prevented, and we're looking
18 at prevention. We want to be more proactive. We don't want
19 to be reactive. We want to keep this from happening again.
20 Let's focus on the prevention. Let's emphasize proaction
21 instead of reaction. That's all I have to say. Thank you.

22 MR. BURKE: Thank you, sir. Can we ask you a
23 couple of questions?

24 MR. DELLIGATTI: Certainly.

25 MR. BURKE: Could you provide a little more info.
23

1 You said near the end of your comments that there were some
2 incidents leading up to this that could have been prevented.
3 Could you provide us more background on that?

4 MR. DELLIGATTI: Incidents of inmates grouping and
5 gathering on the yards and putting officers in jeopardy and
6 being able to rush certain gates while on the rec field.

7 I don't have firsthand knowledge of this. This is
8 secondhand knowledge, so I don't feel comfortable commenting
9 too extensively on that. But this is the information that I
10 got.

11 MR. BURKE: Are you referring to Lewis or to
12 Tucson or to all facilities?

13 MR. DELLIGATTI: At the Lewis Complex, not
14 specific to the Morey Unit. I understand there is at least
15 six units there, I believe Bachman, Barchey, the Morey Unit,
16 Rast, Stiner and so on and so forth.

17 MR. BURKE: Sheriff? Herb?

18 MR. GUENTHER: Have you experienced institutions
19 that have this central tower architecture like we have at
20 Lewis?

21 MR. DELLIGATTI: I served as a correctional
22 sergeant at ASPC-Yuma at the Dakota Unit, which is a Level 4
23 yard. It's a high-medium yard. It's one step below maximum
24 security unit, like we have at the Special Management Unit I
25 and II. We have a tower placed in that. It's very similar

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1 to the one at the Cimarron Complex here in Tucson and very
2 similar to the Rynning Unit in Florence. I have worked all
3 three of those units, two of them as a correctional officer
4 and one as a supervisor. So yes, I am familiar with these
5 type of tower settings.

6 MR. GUENTHER: In fact, Dakota was built by the
7 same contractor that built Lewis, as I understand it.

8 MR. DELLIGATTI: I understand that the build
9 layout is a copy of the same blueprint used in each of those
10 units, yes.

11 MR. GUENTHER: How did you feel about having that
12 central tower? I mean did you feel comfortable? You know,
13 how did you operate the tower in the Dakota Unit?

14 MR. DELLIGATTI: I think the tower on a Level 4

15 yard is an absolute necessity. We have -- even under
 16 controlled movements on a Level 4 yard where inmates are
 17 escorted by correctional officers to and from the rec field,
 18 to and from the dining facility, to and from medical unit,
 19 sometimes they are obviously escorted by more than one staff
 20 if they are traveling in groups. There is policies in
 21 effect that when they are exiting the pods only one or two
 22 doors are open at a time depending on what the institutional
 23 orders are at that particular institution.

24 The tower itself is supposed to be -- when I was
 25 at Dakota Unit, if there is any movement on the yard, it
 25

1 must be manned by at least two staff. Now at times during
 2 our graveyard shifts we would only have one officer, armed
 3 officer up in the tower.

4 As soon as inmate movement starts and you are
 5 turning out inmates in toward the kitchen area to prepare
 6 the meals for the morning feeding, that's when you need to
 7 pull a second officer and get a second person up in the
 8 tower.

9 One of the few times the inmates have available to
 10 them to assault other inmates is during their movement
 11 whether they are escorted or not. They are going to take
 12 those opportunities.

13 There has been times when I was at the Dakota
 14 Unit, officers in the towers, they have their pits
 15 underneath the towers they can fire their warning shots
 16 into. While I was there there were incidents where we had
 17 to fire warning shots, and fortunately we were able to stop

18 things from escalating just by exercising that practice.

19 MR. GUENTHER: And were you able -- what was the
20 procedure for accessing the tower at the Dakota Unit?

21 MR. DELLIGATTI: The only time it was accessed is
22 during shift change or during the supervisor's visit. It
23 was mandatory that a supervisor visit, you know, do a post
24 check on the tower at least once per shift. And those were
25 the only times the tower was accessed unless an officer

26

1 needed relief for something.

2 Now I don't remember exactly what the facilities
3 are. There is a rest room at the base of the tower at the
4 Dakota Unit, so officers could take turns relieving
5 themselves. They would often have to call a yard officer to
6 come up and take his place during personal relief. Now
7 sometimes the officers weren't qualified with the AR15 rifle
8 that we had and you couldn't assume the arming of that post.
9 So then you are left with just one person up in the tower.

10 The tower sits in the division of two yards, east
11 and west yard, north to south yard, red or blue yard. So
12 and there is two officers up there, so one can keep an eye
13 on each yard. Well, oftentimes you don't have the staffing
14 to have two officers up in the tower when you really need
15 them. So access in and out of the tower was extremely
16 limited.

17 As far as the design of the tower itself, I see no
18 problems with that. Provided officers and supervisors are
19 following the policies set forth to gain entrance and exit
20 to the tower there is not a problem. It's when somebody
21 tries to shortcut something because they are needed

22 somewhere else because of the staffing levels, this is where
23 the problems get created.

24 MR. BURKE: Were the policies followed at the
25 Dakota Unit?

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1 MR. DELLIGATTI: While I was in charge they were.
2 You bet you. And if they weren't, I took corrective action,
3 you know.

4 MR. BURKE: We had testimony yesterday that the
5 policies around the tower in the Morey Unit at Lewis were
6 rather lax and --

7 MR. DELLIGATTI: I have heard that.

8 MR. BURKE: -- that was why I asked you that. I
9 know you had indicated what the policy was. And there was
10 an understanding of what the policy was at the Morey Unit,
11 too, but there was also indications that the policies were
12 not being followed.

13 MR. DELLIGATTI: I've heard the same thing.

14 MR. BURKE: Also, at the Morey Unit tower they
15 kept the prescription drugs for the unit there in the tower.
16 Is that the case at the Dakota Unit?

17 WARDEN FLANAGAN: Negative. No. We didn't keep
18 prescription drugs in the tower.

19 MR. GUENTHER: Did you use the tower for any other
20 purpose other than securing the munitions necessary to take
21 control?

22 MR. DELLIGATTI: We used towers for different
23 training scenarios. We were required to perform simulated
24 emergency management system functions to test the

25 capabilities of our staff at least once a week. We ran
28

1 simulations on certain incidents, and this was to further
2 train the staff while on duty. The only time we would
3 conduct one of those scenarios is if we had the yard locked
4 down.

5 There has been a lot of times where we have had to
6 lock the yard down and it wasn't a simulation. It was a
7 common occurrence at Dakota Unit while I was there that
8 either fights would break out or an assault would occur and
9 we would have to lock the yard down. And we could place
10 additional lighting up in the tower if needed.

11 We had a homicide at the Dakota Unit in December
12 of 19 -- or excuse me -- 2000, yeah, December of 2000.

13 We had the yard locked down, and we had to bring
14 all the inmates out of the, I believe it was Building 4. We
15 had four pods in there that evacuated. We obviously set up
16 the pod as a crime scene because one inmate had killed
17 another inmate. So obviously we evacuated the pod, and we
18 had them all out on the rec field. So we had our officers
19 up in the tower, and we had some additional lighting
20 resources up in the tower.

21 But that's the only thing I can remember that we
22 may have used the tower as an additional benefit for.

23 MR. GUENTHER: I would assume that the tower had
24 supplies coming from it and to it; is that right?

25 MR. DELLIGATTI: That's correct. Entrance and
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1 access to the tower can only be made from a walkway where
2 it's a restricted area to any inmates. So it's only
3 uniformed staff that was able to gain access to and from the
4 walkways between the yards. And it had to be you had to
5 access this line, the walkway with a yard set, a key set, a
6 specific key set that was either designated a yard officer
7 or supervisor or tower personnel.

8 MR. RIVELAND: There was also testimony that at
9 the Morey Unit tower the SOP was that the access to the door
10 that went up to the second level from the first level, not
11 the outside door but the inside door, was constantly kept on
12 access, so that the officer coming in only had to push the
13 call button rather than to be led in from the officer on the
14 second level.

15 Was this SOP in other units?

16 MR. DELLIGATTI: I wouldn't say it was standard
17 operating procedure, SOP, so to speak. I would say it was a
18 common practice if there was nothing specific in writing
19 preventing this from occurring, obviously some officers feel
20 that as a matter of convenience it becomes an acceptable
21 practice, especially if the supervisors don't address that
22 issue.

23 MR. RIVELAND: Are the other towers constructed
24 the same as the Morey Unit, the only shooting platform is
25 the third level? Do any of them have shooting ports out of
30

1 the left side on the second level?

2 MR. DELLIGATTI: The ones that I have seen do not
3 have shooting ports from the second level.

4 MS. MORRISON: When you have a simulated IMS, how
5 were the employees notified that it's a simulation?

6 MR. DELLIGATTI: I would be required to notify
7 complex because there is a, as a part of the emergency
8 procedure, a broadcast goes out, radio transmission goes
9 out, the complex is immediately notified that there is a
10 situation at that particular unit. So I would notify
11 complex control that I'm going to be conducting a
12 simulation. I would notify the Dakota Unit control if it
13 was on the Dakota Unit, this is going to be a simulation,
14 please don't notify other staff because I want them to train
15 like it's real, I don't want them to know it's a simulation.

16 Now you know, staff is pretty savvy. We have got
17 a smart bunch of correctional officers working out there.
18 For the majority they do their job extremely well,
19 especially when they have the opportunity to be under the
20 direction of some really good supervisors. We have a lot of
21 those as well.

22 So we try and keep it as real as possible and
23 notify as few personnel as possible, as few staff as
24 possible that it is a simulation. But they usually figure
25 it out within five minutes or less that it's probably a

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1 simulation.

2 MR. BURKE: At the Dakota Unit would you man the
3 tower with two officers who are on probation status?

4 MR. DELLIGATTI: See, that goes back to the
5 different situation. Most of the time probationary staff
6 would not be allowed to qualify on the AR15 rifle, so they
7 would not be arming the tower.

8 As things progressed from 1999 to 2000 and money
9 got tighter and tighter, less and less people, we had less
10 ammo to qualify people to fire up at the range to qualify
11 people on the AR15. Fewer and fewer people were qualifying
12 because we didn't have the money for ammunition and for the
13 weapons and for the training and so on and so forth.

14 And there was times where due to people having
15 certain days off and being qualified and somebody calling in
16 sick who is qualified, I may be facing a shift where I only
17 have one qualified person, in which case I would call my
18 supervisor or call the supervisor at complex, and I would
19 solicit the other units, if you have an available person,
20 would you send me somebody who is qualified to man my tower
21 where you don't have a tower on your Level 2 yard, and I
22 will swap you a staff just so I can get my tower armed.

23 And it's constantly -- any of these sergeants will
24 tell you, any of these lieutenants here today will tell you
25 that your staffing requirements it's a constant, you are

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1 jumping through some hoops, it's a struggle. To get all of
2 the people posted where they need to be is no easy task, no
3 easy task at all.

4 And that's why oftentimes when I was at the
5 Florence-North Unit two, sometimes three times during my
6 five day work week I am covering an officer's post. I am
7 working as a yard officer instead of actually performing my
8 sergeant's duties.

9 MR. GUENTHER: Where are you located right now?

10 MR. DELLIGATTI: Right now I am with Pima South

11 Parole.

12 MR. GUENTHER: We might want to follow up with you
13 on some additional questions if that's okay with you.

14 MR. DELLIGATTI: By all means feel free to contact
15 me. I would like to state further since it's been brought
16 up I still as a certified instructor, I enjoy going to the
17 correctional officer training academy and teach whenever
18 it's available or go up to Phoenix. I was assigned to
19 Central Phoenix Parole for over a year. I like to be able
20 to teach.

21 I feel the more input that I can give these people
22 a lot of times the training sessions when you open it up to
23 Q and A it turns into war stories. But anything from my
24 time that I worked in Safford, and I have been through a
25 couple of major disturbances there, and I have been through

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1 large disturbances while at Florence and the Dakota Unit and
2 stuff like that, the homicide experience, all of my
3 experience I try to pass along to the staff that's just
4 coming in because I feel it can benefit them in any way,
5 shape or form.

6 And I will never armchair or quarterback the
7 people at the Lewis Complex. I'm sure they performed to the
8 best of their abilities. Let's give them the opportunity to
9 increase their abilities.

10 Thank you.

11 MR. BURKE: Thank you, sir. Exceptional. Next?

12 MR. DOWLING: My name is Sergeant David Dowling.
13 I am currently a supervisor at the Arizona State Prison
14 Complex, Tucson, a Complex Detention Unit. I have been with

15 the department approximately 16 years. I started with the
16 department. I went from COTA to death row in Florence. I
17 spent about four and a half years there. Came to Tucson.

18 When I promoted to sergeant, I went back to
19 Florence and worked in a central unit. I have been a tower
20 officer. I have also worked the tower as a supervisor.
21 Also, I am an instructor for the department and teach at the
22 correctional officer training academy here in Tucson.

23 As a supervisor my major concerns that I have are
24 the staffing levels that this department has. I think it's
25 amazing that the line staff the jobs and the tasks that they

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1 complete on a daily basis and that something bad really
2 hasn't happened, you know, more often with the current
3 staffing levels.

4 Day in and day out the officers of this department
5 complete what we call A-Level operations with D-Level
6 staffing or below. Quite frequently supervisors, as
7 mentioned before, are having to work a correctional
8 officer's post in order to keep those staffing levels up to
9 maintain the day-to-day operations.

10 It's not infrequent to have two officers walking
11 on a yard with 198 inmates running around loose during a
12 recreation period, and those two officers are tasked with
13 managing and supervising those inmates and their activities.
14 And it's a difficult task that these people pull off every
15 day. And it's amazing the efforts that they put forth. And
16 I think it reflects on their commitment and their training.

17 And I just think that that's something that's very

18 important and needs to be looked at is increasing the
19 staffing levels of this department. And I know that there
20 is a budget crisis in the state, but I don't think that a
21 person's life is worth a monetary value, that this needs to
22 be brought up to the powers that be to try and prevent
23 things that happened in Lewis and other instances from
24 happening again.

25 Basically the staff retention around here is --
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1 the retention is not good at all. There is a high turnover
2 rate. The information I have is that 70 percent of all
3 Arizona's correctional officers have been with the
4 department 18 months or less. And that's not a good
5 situation. That means too many inexperienced staff to
6 perform a job that, quite frankly, is pretty dangerous.

7 And just those are basically my concerns with this
8 department, that something needs to be done to bring the
9 staffing up to maybe try and prevent something like this
10 from happening again.

11 MR. RIVELAND: Sergeant Dowling, if I were to give
12 you today, if the powers to be were to give you today, and I
13 might add I have never had this power, a big hunk of money,
14 where is the first place you would invest that money?

15 MR. DOWLING: The training academy, hire more
16 staff and get them trained and get them down in the trenches
17 where they belong.

18 MR. RIVELAND: Don't take my question as being a
19 promise.

20 MR. DOWLING: I understand.

21 MR. BURKE: You served in the tower, too?

22 MR. DOWLING: Yes, sir.

23 MR. BURKE: What kind of training did you receive
24 before serving in the tower?

25 MR. DOWLING: I qualified with the required

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1 weapons and was given verbal instruction. And there are
2 written post orders in the towers for the staff to review
3 that break down the specific duties and responsibilities of
4 that post.

5 And then when I started out as an officer and
6 worked in the tower I was given verbal direction and shown
7 the procedures by other officers and then, of course, read
8 the post orders which we're required to read and sign every
9 30 days of every post.

10 MR. GUENTHER: One of the most serious threats
11 within the secured perimeter, obviously, is prisoner made
12 weapons.

13 MR. DOWLING: Yes, sir.

14 MR. GUENTHER: I guess most commonly called
15 shanks.

16 MR. DOWLING: Yes, sir.

17 MR. GUENTHER: What kind of experience have you
18 had as far as being able to locate these weapons prior to
19 their use, whether it be shakedown or other type activities?

20 MR. DOWLING: It's funny you should ask that
21 question. That's what I teach at the academy is searches
22 and contraband and narcotics and dangerous drugs.

23 As my time as a corrections officer I served five
24 years as a member of the SSU team or special security unit,

25 which is a search team both in the Florence complexes and
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1 the Tucson complexes which our primary responsibilities were
2 to conduct searches of inmates and inmate living areas to
3 identify, locate and remove homemade weapons and other forms
4 of contraband.

5 I've been very successful in locating several
6 weapons in my five years as a search team officer as well as
7 since I have been a supervisor more recently in CDU I
8 recovered two homemade weapons from two inmates in their
9 cell in the last few weeks.

10 It's just an ongoing problem in the prison system.
11 If you are going to have inmates, you are going to have
12 homemade weapons, whether they be shanks or whether they be
13 rocks in a sock or batteries in a sock or whatever. If they
14 can make a weapon out of something, they will, and they will
15 use it mostly against each other, and if the opportunity
16 arises and they feel the need, they might use it against
17 staff. It's happened. It's going to continue to happen.

18 MR. GUENTHER: What's the most effective element
19 in being able to find and seize contraband?

20 MR. DOWLING: Searches.

21 MR. GUENTHER: Surprise?

22 MR. DOWLING: Frequent unannounced searches.

23 We're required to do quarterly searches of every complex, to
24 search the inmate living areas quarterly for contraband.

25 Unfortunately, too many times because of the need
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1 to make changes in day-to-day operations, such as feeding
 2 schedules or whatever, to accommodate the lockdown of a unit
 3 and do searches, sometimes the inmates get wind that a
 4 search may be about to happen, so that gives them
 5 opportunities to try and conceal contraband in a common area
 6 that may be more difficult to locate, such as burying it in
 7 the sand on the yard or something.

8 You know, if there was a way to just lock a place
 9 down and just go in and start shaking down without -- or not
 10 even opening up, don't even open up for breakfast, feed the
 11 inmates a sack lunch in their cell or something, I don't
 12 know, you know, and then just go in and start searching
 13 without giving them an opportunity to get out on the yard
 14 and hide their contraband, that might be a more effective
 15 way. But it's a lot more difficult, and I believe it would
 16 cost a little bit more.

17 MR. GUENTHER: What kind of materials do you find
 18 is most commonly used in those weapons?

19 MR. DOWLING: More commonly it's pieces of metal
 20 that the inmates will remove from like the kitchen area or
 21 anything really that they can get their hands on. I've seen
 22 toothbrushes made into weapons, which is why the department
 23 went to a smaller toothbrush instead of the longer handled
 24 ones, to prevent the inmates from fashioning those into
 25 weapons. I've seen plexiglass made into weapons. They will

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1 make a weapon of just about anything they can get their
 2 hands on.

3 MR. BURKE: A magnetometer is not going to serve a

4 full purpose of thorough search because of the other
5 products that they use to make shanks out of?

6 MR. DOWLING: Right. We have metal detectors and
7 hand scanners that we use, but we also conduct strip
8 searches and patdowns of the inmates when they come out for
9 their activities.

10 You know, once again, to get a good effective
11 100 percent compliance of searches of the inmates you have
12 got to have the staff to do it, and it's very
13 time-consuming. Security is not convenient. You know, we
14 talked about that a lot, but then, again, you know it's just
15 a matter of doing the job.

16 MR. BURKE: Because of staff reductions have you
17 ever seen situations where only one officer is in the yard
18 with several inmates?

19 MR. DOWLING: It's a habit. In my 16 years, yeah.
20 I've seen that quite often. I mean that officer has
21 resources to call from other areas if he gets into trouble,
22 but I have seen one officer alone on the yard with inmates.
23 I've been in that position as an officer. It's happened.

24 SHERIFF VANDERPOOL: Sergeant, is there a field
25 training program in place for the new officers coming out of
40

1 the academy? And if so, can you describe it and how it's
2 administered?

3 MR. DOWLING: To the best of my knowledge we do
4 have a 40-hour OJT program where an officer coming out of
5 the academy is assigned to work with different officers on
6 various posts for a one week period prior to going to their
7 assigned shift.

8 However, there is an issue with that. Officers
9 quite frequently are required to be cross leveled. If there
10 is a shortage, say, in one unit and an officer from, say,
11 Santa Rita can be sent over to Cimarron as a cross level to
12 work due to staff shortages, you are going to send an
13 officer to a yard he has never been on before to work, and
14 he is not going to know the first clue what he is doing, to
15 the layout of the yard or how the operations of that yard
16 are.

17 And I understand the need to staff the prison and
18 utilize your resources available. I just think that, you
19 know, they stopped doing this five year rotation several
20 years ago, and I think that was a bad idea because then you
21 get people who are trained only in one specific area instead
22 of in the whole area.

23 I think staff rotations should happen because then
24 you don't get people who get complacent and you get people
25 who are familiar, you get staff who are familiar with all

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1 areas of the facility.

2 But as far as I know, to the best of my knowledge
3 we do have a 40-hour OJT program in place for new staff
4 coming out of the academy so that they can become familiar
5 with the layout of the unit they are going to be assigned to
6 and the procedures of the various posts that they are going
7 to be assigned to.

8 SHERIFF VANDERPOOL: The officers that OJT or FT0,
9 the new staff officer coming out, do they have any -- how
10 are they selected? Do you know? Do they have any

11 additional training as a field training officer? How is the
12 training documented? Is there any feedback to that new
13 officer?

14 MR. DOWLING: When I was a supervisor at
15 Santa Rita, we would give a new officer a packet of things,
16 tasks that they had to become knowledgeable in, and we would
17 question them, like supervise them in their day-to-day
18 duties to see if they were complying with the requirements
19 of the OJT packet. In other words, were they performing
20 certain job tasks satisfactorily?

21 And we did have this checklist that we would go
22 over with them and ask them questions and observe their
23 duty, you know, what they were doing and then sign off on
24 their packet. And then at the end of the 40-hour OJT they
25 would turn this packet in. And they had to be knowledgeable

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1 of all areas of information contained in the packet, you
2 know, or if not, then we could go to our supervisor, the
3 chief of security, and say this individual has a deficiency
4 in this area, and we would either work with them in that
5 area to better instruct them, show them, or maybe we could
6 even extend the OJT period if it was necessary.

7 As far as an FT0 program, I know that the
8 department, I don't know if they adopted it yet, but they
9 were looking at adopting an FT0 program and the FT0 officers
10 were to attend extra training to become certified as an FT0.

11 I have no real information on that program other
12 than I know it was something that was being looked at and
13 being considered.

14 SHERIFF VANDERPOOL: Do you and the other members

15 of the department to your knowledge have policy manuals or
16 access to policy manuals?

17 MR. DOWLING: As a supervisor I have access to
18 every policy this department has through the computer
19 system, the department's Internet. There are certain
20 policies that we deal with on a day-to-day basis that I keep
21 in a supervisor's manual that I have made, and I keep it in
22 my locker at my unit. I really don't have to refer to the
23 manual because I have access on the computer.

24 If a staff member requires to look at a policy,
25 there is policies kept in the deputy warden's office of each
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1 institution or each unit. I believe there is a set of
2 policies kept in the warden's office and, also, they can
3 contact their supervisor. The supervisor can provide them a
4 copy of that policy just by printing it off of the
5 department's Internet. So policies are readily available to
6 all staff. There is no restrictions on that.

7 MR. GUENTHER: In your experience as far as
8 contraband is concerned where is the most common place to
9 hide contraband?

10 MR. DOWLING: The majority of the contraband I
11 have found has been in the inmate's living areas, usually in
12 their cells. They like to hide it in the toilets, like the
13 seals around the toilets and vents and in light fixtures, in
14 little crevices between like wall lockers and walls, between
15 the bedding and the walls, inside mattresses. I mean in
16 their property, on their person --

17 They will cut a hole in the fly of their boxer

18 shorts and stick a syringe or drugs down in the fly of their
19 boxer shorts. You know, that's a staff safety issue, too.
20 You have got to be very careful if you are patting a guy
21 down. You don't want to get stuck with a needle on the
22 syringe because then you have concern of AIDS and hepatitis.
23 But we have like rubber gloves and stuff
24 available, but they are not puncture resistant. So it's
25 just a matter of the officer utilizing good safety

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1 precautions when conducting a patdown or strip search to
2 make sure they don't poke themselves.

3 MR. GUENTHER: When you release prisoners from the
4 housing units to go to duty either working in the kitchen or
5 whatever, are they patted?

6 MR. DOWLING: They are. There is instructions
7 inmates will be patted down, any time there is movement to
8 the rec field or to a chow hall they are supposed to be
9 patted down by the staff or clear metal detector. I know at
10 Cimmaron they use metal detectors, walk-through ones. At
11 Santa Rita they use handheld metal wands they have available
12 to use to scan the staff when they stage them for chow and
13 the officers pat them down.

14 They can either have a choice of doing 100 percent
15 compliance or random patdowns. At Santa Rita when I worked
16 there that's what we did. The officers' instructions were
17 they could either do 100 percent compliance or they could do
18 random patdowns and we used the handheld metal detectors.

19 MR. GUENTHER: When staff are discharged from a
20 working assignment such as a kitchen assignment where they
21 have access to tools and obviously materials with which to

22 craft weapons, is there a different requirement when they
23 exit their working like the kitchen assignment? How do you
24 handle them when they leave that kitchen and go back to
25 their housing unit?

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1 MR. DOWLING: The inmates?

2 MR. GUENTHER: Yes.

3 MR. DOWLING: They are patted down by the kitchen
4 officer, and then the kitchen officer will notify the yard
5 officer that they are sending an inmate back to his housing
6 unit, and then they will wait for clearance over the radio.
7 Once they receive the clearance then they will send that
8 inmate back to his housing unit.

9 MR. GUENTHER: They are patted out of housing and
10 patted out of their work assignment?

11 MR. DOWLING: Right. And if they have tools
12 assigned to them, there is a tool cage in the kitchen where
13 the tools are locked in. The inmates don't have access to
14 it. And then if a tool is signed out to a particular
15 inmate, it's signed out on a tool checkout sheet. And all
16 the tools are cabled and locked in the station where the
17 inmate is assigned to work. The tool has to be turned in
18 and accounted for by the kitchen officer before the inmate
19 can be released back to the housing unit.

20 Now if it's like a shift change where the inmate
21 is leaving and another inmate is taking his place, they can
22 leave the tool cables in place and just sign it in and then
23 back out to that particular inmate that's taking over that
24 work station.

25 And then there is a tool inventory conducted by
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1 the officers at the beginning and end of each shift to
2 ensure that there is 100 percent accountability of all of
3 the tools.

4 MR. BURKE: Are there cameras in the kitchen?

5 MR. DOWLING: Well, not in the kitchens at
6 Santa Rita. There is no cameras I have seen there. Some
7 units do have them in the dining facilities. Like Cimarron
8 has them in the chow hall. I don't know if they have them
9 in the back where the food preparation areas are or not.

10 MR. GUENTHER: Thank you very much.

11 MR. BURKE: Thank you.

12 MS. HAN: Hi, my name is Debra Han. I work at
13 ASPC-Yuma. I am a correctional officer III. I have been a
14 CO III for four years, and I was a CO II for three years
15 before that, so I am going on seven years with the
16 department.

17 I have worked at Cocopah, which is a minimum yard,
18 that's where I am working right now, and Cheyenne, which is
19 between Cocopah and Dakota, medium. Yeah.

20 The Dakota, I have been there but I have never
21 been posted there. And just last Monday they had a search,
22 and there was some discrepancies I was worried about and
23 like a lot of staff, a lot of staff were afraid to speak up
24 about things like this because of repercussions. They are
25 afraid that supervisors are going to reprimand them for
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1 speaking about like the tower.

2 This fellow here spoke about the tower, about how
3 it's supposed to be manned. Now I have never worked Dakota
4 other than serving there for an IMS, but he stated that the
5 tower is supposed to be manned at all times. During this
6 search that they were doing where everybody known to man was
7 there, we were all working, and we were escorting inmates
8 and we were doing 40 bed moves, searches, lots of different
9 things. And the officers that are in the tower were not on
10 the top level. They were inside where the glass is.

11 So I'm assuming that they are supposed to be up
12 there with their guns and ready to go because we're moving
13 inmates around. But that wasn't happening. So I was a
14 little concerned about that.

15 I brought some notes. I have asked some staff
16 members if they had any concerns, and I wanted to bring it
17 up to your attention.

18 This is an e-mail that I got from a sergeant
19 that's been a sergeant there for a long, long time. He is
20 one of our senior staff. Most of our senior staff are there
21 because most of us are just too tired to go through another
22 academy or move. We want to actually stay somewhere, and we
23 actually want to make a difference. You don't see too many
24 people that have seven years and up there anymore. The
25 majority of people there are only there for a year or so or

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1 a lot of them are still under probation. At Cocopah yard
2 most of our officers are still under probation. So you
3 don't have experienced staff there a lot. They either --

4 all your senior COs have either promoted already or quit and
5 gone to Border Patrol or Federal prison or some other place
6 that pays better and gives better benefits.

7 This is from a sergeant there in Yuma that went to
8 Lewis to do some overtime and had some concerns. He says I
9 worked ASPC-Lewis this past weekend. The units themselves
10 lacked inmate grooming standards. Now inmate grooming
11 standards are the first level. It doesn't seem big to the
12 majority of people about forcing inmate grooming standards,
13 but that's the first level of starting to make sure that
14 inmates can follow directions by starting with shaving,
15 tucking in their shirt and everything.

16 For example, four of us from Yuma worked the same
17 unit, Rast Unit. In the morning briefing we were told by
18 the supervisor to make sure that inmates coming out of their
19 housing are in full grooming compliance, which we did. We
20 were told later that evening to more or less leave the
21 inmates alone and let them run around the yard out of
22 compliance. Inmates coming out of their housing units were
23 moving from A to B. We caught inmates hanging around the
24 H area. That's the area where the CO III offices are. Have
25 you guys been to Dakota? Or something similar to Dakota

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1 Like Morey? That H area is where they have the offices is,
2 where the CO III offices is, and there is a couple of other
3 conference room in there and bathrooms, staff bathrooms,
4 that's the H area. We were told by the supervisors that
5 they were fine where they were, that inmates were allowed to
6 move throughout the H area in Lewis. And that's unheard of
7 at ASPC-Yuma.

8 Supervisors walking past the inmates that were out
9 of compliance not conducting DI 140. DI 140 is bed inspection
10 to make sure that they don't live in filth, that the inmates
11 are actually cleaning up after themselves and they are not
12 leaving garbage all in their bed area and everything, that
13 they don't actually stink.

14 Later that evening we had an inmate request
15 protection. An officer came to us and asked what happened,
16 and we advised the inmate requested protection or PS. The
17 officer asked me what PS stood for.

18 So the officer had no clue what PS is. Even our
19 very new officers know what that means, protective
20 segregation. They are asking to get taken off the yard for
21 that they know somebody that will beat the living daylights
22 out of them, you know, they owe money for drugs, several
23 different things, somebody had threatened their life,
24 several different things. The officer asked me what PS
25 stood for.

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1 Their D-Level being 16 officers and that we had
2 27 officers. Security was really lax.

3 This sergeant is saying that their D-Level is
4 16 officers but they had 27 there that day, so they were way
5 above what their critical minimum is to run the unit.
6 D-Level, that's what that is. But it was just too lax. It
7 was just the security was pretty much nonexistent.

8 And this is just a week or two ago that he went to
9 go work.

10 I did not argue with the supervisors on shift, but

11 relieved the control room officer so I could leave to do
12 something useful.

13 So this sergeant believed that he wasn't doing
14 anything useful because he was trying to help out but it
15 just doesn't seem like anything he said was going through.

16 Now I'm sure they do have some good officers. I'm
17 sure they do. But you get what you pay for. And if you pay
18 for Burger King wages, you are going to get Burger King
19 employees. Now you do get -- out of that bunch you do hire
20 you do get people that do want to make a difference that pay
21 is not the thing that they are going for. They are going
22 for trying to make a difference and trying to do 110 percent
23 at their work.

24 I want to go about the retention, how you wanted
25 to talk about recruitment and retention.

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1 One of the things I can think about is retaining
2 their staff members they have right now is caring more about
3 DOC families. The fact is you do have a lot of single
4 parents working for the DOC. That's just a fact. I am a
5 single parent. I have two sons. And you know what? It's
6 hard to make ends meet at the pay wages, but I do. And you
7 know, I cut and budget, but it's possible.

8 But the other thing is that you got to remember
9 when an IMS happens, who is going to take care of my sons?
10 I am forced to stay over. I am not going to be able to find
11 a babysitter that's going to say, oh, I'll take comp time
12 because that's all they will give us is comp time or flex us
13 up later. They won't pay us any more. I don't know why
14 that is. I guess it's because of the budget, but we don't

15 get paid for overtime.

16 Another thing if they knew about a quarterly
17 search ahead of time, in order to resolve one of those
18 issues what they can do is inform the staff members so they
19 can make plans to have a babysitter that day. Like say I am
20 at the Dakota Unit for that search, and they knew about it
21 ahead of time, I don't know if they did, but say they did
22 ahead of time that they were going to have a search on
23 Monday, let their staff members know. That way they can
24 make plans and have somebody take care of their kids on
25 Monday so that's not an issue with them.

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1 But if you let them know right there that day two
2 hours before they are supposed to get off that they are
3 going to have to stay that's not enough time to get a
4 babysitter.

5 Let's see. I already talked about staff afraid to
6 speak up.

7 Waiting to have positions filled a very long time.
8 We haven't had a DW in Cocopah Unit for God knows how long.

9 MR. BURKE: A what?

10 MS. HAN: A DW, a deputy warden. I don't know
11 when we are going to get one, but supposedly it's still in
12 the transition. That's one of the things that we are having
13 problems with, waiting to have our staff members or slots
14 filled.

15 MR. BURKE: How do you think the lack of a deputy
16 warden impacts the facility?

17 MS. HAN: Well, our chief of security has to now

18 do her job plus the deputy warden's job. So it takes away
19 from her doing the chief of security job. So she doesn't
20 have her full attention. She does a good job doing the
21 deputy warden's job. She does an excellent job. She is
22 handling it very well. But she is not able to pay her full
23 attention to her actual job.

24 There is an ADW. There is a person serving as ADW
25 but not given the ADW title for a very long time now. Not
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1 at Cocopah. I think that's at Dakota. Same type of issue,
2 the ADW slot is there, but they haven't given it to her yet.

3 I'm a little hesitant about speaking about this,
4 but we have a certain staff member that is under
5 investigation for misconduct. I am not going to discuss
6 totally about that, but the fact is we have been without
7 that staff member's body and having a person to take that
8 place for months now. And this isn't the first time this
9 has happened to us, and this is at Cocopah.

10 MR. BURKE: Because the investigation has taken
11 months?

12 MS. HAN: Yeah. The investigation has taken
13 months. So we are just -- I don't know what policy says on
14 how long investigations are allowed to take, but it doesn't
15 seem right to us that it takes that long for an
16 investigation to happen.

17 SHERIFF VANDERPOOL: Where is the staff? Is the
18 staff member reassigned? Or is the staff --

19 MS. HAN: The staff member was reassigned
20 temporarily to a complex where no inmate contact. So
21 meanwhile that staff member is working there, but because

22 they still are considered our staff member we are not
23 allowed to get a new body, a new person.

24 Just like another staff member here has spoken
25 about, bringing personnel in high trust areas who have no
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1 idea what they are doing.

2 That's like putting me in a Dakota tower. You
3 know what? I used to be a CO, but I've never worked a
4 tower. I am not even qualified to use a weapon. But it's
5 not heard of, I mean it is heard of to put a CO III in
6 security positions all the time.

7 Some CO IIIs, not all of them, but there is one or
8 two that have never even been in uniform, so they have no
9 clue what to do. Yeah, they had to go to COTA, but they
10 have never actually been in uniform and done the CO II
11 stuff, done the security checks, dealt with inmates as in
12 uniform.

13 Dealing with inmates in uniform and out of uniform
14 are two different things. And speaking for myself I have
15 done both. And inmates give you a lot more respect when you
16 are out of uniform than when you are in uniform. They will
17 walk all over you when you are in uniform or attempt to.

18 DOC on the whole has a habit of not following
19 policy when it's not convenient for them.

20 MR. BURKE: You are pretty general there. Can you
21 be a little more specific on that?

22 MS. HAN: A little bit more specific. Well, just
23 like they were talking about -- I lost my thought there.
24 Okay. Let's talk classification. They were talking about

25 classification earlier. Now I work in a minimum yard. My
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1 opinion a murderer should not be on a minimum. We have had
2 murderers on the minimum yard.

3 MR. BURKE: What kind of a yard is that? L1 or 2?

4 MS. HAN: I don't know what L1, which one that is.
5 Minimum yard is like Cocopah.

6 MR. GUENTHER: It's Level 2, I believe.

7 MS. HAN: Level 2, yeah. And that's an open yard,
8 so you couldn't lock down the yard if you wanted to because
9 they are dorm settings and there is no way to lock the
10 doors. So if the inmates wanted to, they could rush the
11 doors and assault the officers very easily.

12 I think it's just wrong, just totally wrong to
13 have inmates that have assaultive history, that are in for
14 murder, that have sort of backgrounds like that, that are in
15 for assaulting a police officer at a minimum yard. And it's
16 happening. I know for a fact because I work there, and I
17 classify them. I reclassify them.

18 MR. BURKE: You have a classification authority?

19 MS. HAN: What happens is central office or
20 Alhambra classifies, gives them their initial
21 classification. What we do is every six months we have to
22 relook at it to see if it needs to be changed, see if they
23 have got a major disciplinary for fighting. That's a common
24 occurrence. Then we adjust their score, like we are
25 supposed to. We make sure that their scores are supposed to
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1 be what they are supposed to be, you know, that a guy that
2 comes to us as a 1-1, and we look and say wait, wait, he
3 shouldn't be a 1-1, he is in for murder. If you go by
4 policy, they are not supposed to be a 1-1. I am not saying
5 that's happening. I am just using that as an example.

6 In my opinion inmates should not be on minimum
7 yard that have that type of background. If you assault a
8 person, you are in for abusing your child, my opinion, child
9 abusers should not be in minimum either.

10 MR. BURKE: So you have the authority, you are a
11 classifier?

12 MS. HAN: Yes. I classify.

13 MR. BURKE: And you say there is currently someone
14 who has been convicted of murder in a minimum facility?

15 MS. HAN: Oh, there is several.

16 MR. BURKE: What authority do you have as a
17 classifier to raise an issue about that with a superior?

18 MS. HAN: All we can do is we can recommend an
19 increase in score, but all we do is recommend.

20 MR. BURKE: Who do you recommend that to?

21 MS. HAN: Central office. They are the ones who
22 make the ultimate decision. All we do is recommend. Like
23 if we had an inmate -- in fact, last week we had an inmate
24 assault an officer at a minimum yard and over because the
25 officer found drugs on him. The inmate grabbed the officer

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1 and put him in a choke hold. The officer luckily wasn't
2 drastically hurt.

3 MR. BURKE: To your knowledge was that particular

4 inmate reclassified since that incident?

5 MS. HAN: Yes. In fact, I reclassified him
6 myself.

7 MR. BURKE: And central facility accepted your
8 reclassification?

9 MS. HAN: We're still waiting on that. He just
10 got reclassified last week. You have to wait for the
11 disciplinary to be finalized before we can reclassify him. And
12 per policy because it was assault on staff he was supposed
13 to be bumped up to a 5-5, and that's what I recommended.
14 That's straight out of the policy book.

15 MR. BURKE: How long does it take for a
16 recommendation for a reclassification to be determined by
17 central facility?

18 MS. HAN: Generally 30 days, but give or take. It
19 can go one way or the other, but generally on the average
20 30 days.

21 MR. GUENTHER: Meanwhile this inmate is confined
22 in special?

23 MS. HAN: Yes. He is in the lockdown unit, the
24 CDU. So he will be locked down there until he gets
25 transferred. But there is no guarantee that central office

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1 will go with my recommendations. All I am is recommending
2 something. So hopefully they will.

3 Someone brought to my attention that has been an
4 adviser at COTA that the standards have been lowered at
5 COTA, the Correctional Officer Training Academy. It says
6 that first step to professionalism is the dress and
7 grooming, and they don't even enforce that with the

8 officers. That was unheard of when I went through COTA. It
9 was just like the military kind of. You had to make sure
10 your boots were shined, that your uniform was pressed, that
11 you actually were in total dress and grooming compliance
12 according to policy.

13 They don't do that anymore. This officer told me
14 that the cadets their boots look atrocious, there was dust
15 all over them and everything.

16 They changed the way they allow them to pass the
17 test. It used to be you fail it once you get one more time
18 to pass it, and then you are out if you don't pass it. Now
19 you can keep taking it over and over again until you do pass
20 it from what I was told.

21 The only way to verify that is to call COTA
22 because this is what the person that was an adviser told me
23 was happening. So DOC has decided to be really, really lax
24 on allowing people to get through because that's what we're
25 getting. We're getting people that really shouldn't be

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1 working for DOC.

2 MR. BURKE: Decided since when?

3 MS. HAN: Excuse me?

4 MR. BURKE: You said that DOC has decided to be
5 lax, and I am asking you decided since when?

6 MS. HAN: I don't know. I am taking it off the
7 person that was an adviser. He is the one that told me.
8 The only way to find out is to call COTA to see when they
9 changed that. But apparently it's been going on for a
10 little bit.

11 Yearly block training. That was already brought
 12 up about the yearly block training. It used to be a week
 13 long. Now it's one or two days. That's where you are
 14 getting the -- that's your refresher. That's where you
 15 address the issues like the stuff that happened at Morey.
 16 That's where you make the officers realize this is not to
 17 happen. This is what you do to make sure it doesn't happen.

18 But if you don't allow the allotted time to teach
 19 them everything they need to know, then they are not going
 20 to know much.

21 MR. BURKE: How many more do you have?

22 MS. HAN: I think that's it.

23 MR. BURKE: Okay.

24 MS. HAN: Sorry.

25 MR. BURKE: It was excellent. I just wanted to
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1 have a sense.

2 MS. HAN: I'm sorry. I tried to go as fast as I
 3 can. I know I probably repeated some things you guys
 4 already heard.

5 MR. BURKE: There is nothing wrong with that.

6 MS. HAN: I personally am very passionate about
 7 this subject due to the fact that I was an officer and I
 8 know what it is to be an officer. And at times I'm posted,
 9 and I still have to revert back to my officer. I still have
 10 the security in my mind even though now I am programs.

11 And when I switched from Cheyenne to Cocopah, I
 12 was just shocked because I am used to Cheyenne being a lot
 13 more strict and more security minded. At Cocopah I had to
 14 readjust my thinking because Cocopah is a minimum, yeah, but

15 I think security could be increased. Just like the other
16 units. I am sure this is not the only problem at Yuma. I
17 mean I'm sure there is problems all over the state just the
18 same thing.

19 The policy really needs to be looked at. Policy
20 has to -- the thing about -- the thing, I have lost it
21 again. Sorry.

22 But policy needs to have a fine tooth comb go
23 through it, and we had a lot of the problems.

24 SHERIFF VANDERPOOL: You are mentioning policy.
25 Do you have access to the policies?

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1 MS. HAN: Yes. Just like he said.

2 SHERIFF VANDERPOOL: Does the average, the entry
3 level officer have access -- how readily accessible is the
4 policy?

5 MS. HAN: Readily accessible? Are you talking
6 about a regular correction officer II or a cadet?

7 SHERIFF VANDERPOOL: I am talking about the newest
8 person out of the academy coming to the facility if they
9 want to look up a policy?

10 MS. HAN: Not readily available in my opinion.

11 SHERIFF VANDERPOOL: Do they do that on their own?

12 MS. HAN: They could do it only if they go out on
13 their own when they have already been relieved from the post
14 because it won't be available at their post. They are going
15 to have to go to the deputy warden's or they are going to
16 have to find a computer that they can access to look at it.
17 There is not computers in our posts. So they would have to

18 go to see a CO III like myself and say, hey, can I look up
19 this on your computer? I say go ahead. I got no problem
20 with them doing that. I have had several officers ask me to
21 let me use my computer. I say go ahead, take a look.

22 Usually only the deputy warden's office and any
23 computer that you pretty much hopefully get ahold of. It's
24 not in their post area, so they can't read it when they are
25 at post. They have to wait until they are off duty. And
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1 not many officers are going to take the time to stay over
2 just to read policy. They might ask a fellow staff member
3 like myself to maybe print it up for them so they can take
4 it home, but that's the only other option I can see.

5 MR. BURKE: Thank you.

6 MR. GUENTHER: Thanks for taking the time to
7 gather up other comments from other officers. We appreciate
8 that.

9 MR. BURKE: Good morning.

10 MR. LEIB: Good morning. My name is Officer Leib.
11 I am a Corrections Officer II with the department going on
12 eight years. I spent two years in central. I worked on
13 towers, a couple of times at death row.

14 Getting a little bit off the issue, I feel more
15 legislators ought to tour the prison to see what we really
16 do. You never see legislators come down here.

17 They always want a pay raise but never want to
18 give us a pay raise. There is always money to give them
19 money. We are understaffed.

20 I am looking around the room to see if I offend
21 anybody.

22 We are understaffed, and the warden comes on the
23 yard, surprise visit, you better not find a cigarette butt
24 or piece of paper on the ground. He gets down on the deputy
25 warden, and we all know what rolls downhill. We get in

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1 trouble. Sanitation comes before security in this
2 department.

3 A year and a half ago DOC hired a private firm to
4 interview staff and tell them what could be done to improve
5 this department. Everyone said more qualified staff, hire
6 more qualified staff. The cost to the department I heard
7 was a half a million dollars.

8 MR. BURKE: Were you interviewed as part of that?

9 MR. LEIB: Yes, I was. With the new Federal
10 prison being built one mile away, they want to pull two to
11 three hundred qualified staff from DOC. The department will
12 wait until this happens. Then they will react on it. So we
13 will be two to three hundred people less.

14 Administration will tell you it's a lot less than
15 two to three hundred. They are saying 80 to 100. They are
16 going to pull as many as they can because we do have the
17 knowledge.

18 One of my big concerns is why put inexperienced
19 officers in a gun tower to begin with?

20 MR. BURKE: Have you ever been in a tower where
21 that occurred?

22 MR. LEIB: Have I?

23 MR. BURKE: Do you know of any other instances
24 down here where that occurred in a tower?

25 MR. LEIB: No. I heard secondhand between the two
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1 of them they had seven to nine months experience.

2 MR. BURKE: How much experience did you have
3 before you were put in a tower?

4 MR. LEIB: One year up at central. I had one year
5 of experience working the trenches.

6 Administration sometimes treats staff poorly.
7 Yeah, we're in the trenches. We're doing the work. They're
8 calling the shots. You can only dance so fast and dance so
9 fast safely. If you take shortcuts, you are going to get
10 hurt.

11 But they want the work done. They don't want to
12 hear sorry, we couldn't get haircuts done today because we
13 had too many programs going on. We have to wax cement
14 floors and make them shine. We spend so much money on wax
15 to buff cement floors. What? So you can see yourself going
16 down in a fight? You can see yourself hit the pavement?

17 And this goes on in all -- well, I know in my unit
18 it goes on. We spend so much money to the waxing
19 corporation to make cement floors shine.

20 And all they do, like last week, we had a forced
21 cell move for an extraction. The cell team he put shampoo
22 on the floor, and we all went down. Wax does not belong on
23 cement and make it shine. So you find a cigarette butt on
24 the ground?

25 You know, it's a show. When administration comes
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1 up, when the director comes up, when the news media comes
2 here, it's a so-called dog and pony show. Everybody is out
3 cleaning, raking doing this, doing that. And where is
4 security? Security has to be number one.

5 MR. GUENTHER: I appreciate you taking the time to
6 come and give us your views.

7 MR. LEIB: I am just a regular CO.

8 MR. GUENTHER: I hear you.

9 MR. LEIB: I am not a sergeant. It comes from the
10 trenches.

11 MR. GUENTHER: We appreciate you telling us how
12 you feel from your heart. That's what it's all about.

13 MR. LEIB: Thank you.

14 MR. GUENTHER: Thank you.

15 MR. BURKE: Good afternoon, sir.

16 MR. VERRETT: I know you all are kind of tired.
17 My name is Officer Verrett. I have been with the department
18 going on three years. Before coming here I worked in
19 New Mexico corrections for three years. Before that I was a
20 medic in the army. I served in Desert Storm. So I do know
21 how to judge certain people.

22 One of the reasons I came down here and one of the
23 main reasons in New Mexico they didn't pay no money. I was
24 getting \$9.30 an hour. I decided to come up here because
25 you all in Arizona will pay you more.

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1 I worked at Lewis. I just transferred from
2 here -- from Lewis to here.

3 SHERIFF VANDERPOOL: How long ago?

4 MR. VERRETT: About six months ago. The unit in
5 question, Morey, I have been cross level over to that unit.
6 The type of atmosphere I got from that unit was don't tell
7 inmates nothing, they're good inmates, let them do what they
8 want. That's the type of information I got. When you try
9 to get on one of the inmates or write them up, don't do
10 that, we don't do that here.

11 I came from one of the units named Buckley. All
12 right. I guess you all heard about Buckley. They used to
13 call it gladiator school. We always had a riot, and I have
14 been in a couple of them.

15 I'm getting the feeling I hate the sentence
16 security, that statement security is not convenient, I hate
17 it. It's always been there. Preach to me. Say it to me.
18 But when you turn around and look around it's convenient.

19 At Lewis, Buckley Unit, our staffing was 16.
20 That's one officer in the tower, one officer in the kitchen.
21 Guess who got put in the kitchen a lot? Me. Why? Because
22 of my size. I am dealing with 15 inmates in the kitchen
23 with one, with two white shirts, but that's secure; right?

24 I worked at Rincon Unit. We have 25 inmates in
25 the kitchen with one officer, but we got to make sure the

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1 Level 3s eat. We can't make sure -- we have Level 3 inmates
2 and Level 4 inmates. The Level 3s has to eat before the
3 Level 4s. So we got to make sure they eat before anything
4 so we can get them off to education, we can get them off to
5 their programs, nothing is behind.

6 I hate DOC. I am not going to sugarcoat it for
7 anybody in here. I do. I hate DOC.

8 What made me mad is the length of time that it
9 took the hostage situation. Everybody is going to say it
10 was an isolated instance. No. It's us against them. It
11 doesn't matter if it's white, black, Hispanic or whatever.
12 They see that we took one of them and that's what it's going
13 to be.

14 When I went up there last week, this past week,
15 the little shortest inmate gave me the most time, cursed me
16 out. Why? Because they don't have nothing to fear.

17 My wife is a DPS officer. She carries a gun and
18 pepper spray, baton. I carry nothing but pepper spray, but
19 I'm supposed to deter 25 inmates from not taking over a
20 unit. I am supposed to stop 25 inmates who has access to
21 tubes when I check them out to lock them down from not
22 trying to take the kitchen.

23 And it's brought up and saying, well, Burger King
24 is hiring. That's what they say. That's the little joke
25 around. You are going to work at McDonald's. You are going
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1 to work at Burger King. I know a couple of you, I don't
2 know who's been saying it, but we heard the saying before.

3 My wife carries a gun out there. She don't know
4 who she's going to stop. In here I have -- how many have we
5 got -- how many do we have on Rincon? About 500,
6 600 inmates, convicted felons. Our job is a thankless job.
7 They refer to us what? What was it? 125 times on TV as
8 guards. People don't worry about us. We don't get no cop
9 shows named after us. We get a unit named after us. We get
10 a correction officer that falls. Do his name go on a nice

11 little stone where everybody can remember it? No. Only
12 time anybody recognizes us is when something happens. We
13 get no glory. Even the visitors don't even respect us.

14 You have to do this. I don't have to do anything.
15 I am treated like here -- basically I feel like I am treated
16 by administration like I did something wrong, I did
17 something wrong just to come work here. Here an inmate can
18 do whatever he wants. Write him up for a smoking ticket.
19 All right. Just like the CO III just said, an inmate with a
20 murder history is on a yard. The two inmates, 145 years,
21 why is he on that yard? Why was he in the kitchen?

22 Security is not convenient. Right. Any time we
23 come over on our unit with extra officers we get farmed out
24 just like the other parole officer said. We get farmed out.

25 Myself and another officer a couple of weeks ago
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1 we volunteered. They needed help at St. Mary's. Then we
2 have the hospital ward on our unit. That was Super Bowl. A
3 couple of more uniforms got farmed out. Then that brought
4 us under our D-Level.

5 But we made sure them inmates ate, though; right?
6 Because they had to. We couldn't make -- we had to make
7 sure they ate, went to their programs, went to their
8 education, went to the library.

9 Half of the time, like Officer Leib said, this is
10 a show for you guys. I don't know if you all are going to
11 do anything about it. A year and a half ago same -- another
12 committee came through, what can we do to help us? They
13 didn't do nothing about it.

14 MR. BURKE: What committee came through?

15 MR. VERRETT: I am not sure. I wish Officer Leib
16 was here. They came through, asked us questions on
17 graveyard. I was on graveyard at Lewis. They asked us what
18 can we do more? What can we do better?

19 MR. BURKE: Who were they?

20 MR. VERRETT: Anybody know?

21 WARDEN FLANAGAN: Are you talking about the
22 staffing review?

23 MR. VERRETT: Yes. That's what it is, staffing
24 review.

25 When I started at Lewis, me and my wife we started
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1 at Lewis together. You had rookies on there, even though I
2 had some experience, you had rookies with inmates that have
3 been in the system 10, 15, 20 years, but you expect them to
4 control them inmates. You are getting a different class of
5 inmates in here.

6 The difference between cons and inmates, cons are
7 a little bit more respectful to COs. Inmates are dumb.
8 They want to do whatever they can whenever they can.

9 I believe we are out of touch with what's going
10 on. You don't have the old cons setting example for the
11 inmates. You have the inmates scaring off the old cons,
12 paroling them out. Those two individuals they were inmates.

13 MR. GUENTHER: Let me ask you this, if I can.

14 MR. VERRETT: Yes.

15 MR. GUENTHER: You are saying old cons as related
16 to new inmates?

17 MR. VERRETT: What an old con is is an inmate

18 actually that's been down for a number of years that he does
19 what he is supposed to do, he doesn't give any headaches to
20 any officers, sergeants and lieutenants. You can ask him to
21 do something, he will do it.

22 An inmate, he will sit around and try and break
23 the rules, smoke in his house, do drugs. Since I have been
24 down here in this unit I wrote more drug tickets and got
25 more drug busts than I ever did at Lewis.

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1 MR. BURKE: You were at the Morey unit?

2 MR. VERRETT: I was assigned to Buckley, but I
3 crossed level a number of times at the Morey Unit.

4 MR. BURKE: Cross level means that you were
5 assigned --

6 MR. VERRETT: Assigned to make their D-Level
7 staffing.

8 MR. BURKE: And you were told when you were cross
9 leveled to Morey that the practice there was not to write up
10 people?

11 MR. VERRETT: The practice was not to yell at
12 them, not to -- when I saw an inmate doing something, I was
13 like what are you doing? Get back in your cell. And then
14 another officer approached me, we don't talk to them like
15 that.

16 MR. BURKE: But you were not told not to write
17 them up; were you?

18 MR. VERRETT: Basically we don't talk to them like
19 that and don't worry about a write-up --

20 MR. BURKE: Won't a write-up --

21 MR. VERRETT: -- because it will get kicked back.
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22 MR. BURKE: Well, for example, won't a write-up
23 also constitute possession of drugs?

24 MR. VERRETT: This was at this unit. The unit I
25 am at now, I got more drugs here.

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1 MR. BURKE: I know, but I am trying to get a sense
2 of what was going on at Morey Unit where the incident
3 occurred. So I want to know if --

4 MR. VERRETT: It wasn't drugs. It wasn't drugs.
5 He was just out of his cell, and I told him to get back, and
6 I was going to write him up for being out of his cell.

7 MR. BURKE: Were you ever told by anyone that you
8 couldn't write someone up?

9 MR. VERRETT: No. I was never told that. It was
10 just like why write them up when it's going to get kicked
11 back?

12 So if I have that feeling, so why should I do the
13 paperwork? Another officer mentioned one bad apple spoils
14 the bunch. I'll mention that. You have a lot of good
15 officers come in here and want to do their job. They really
16 like putting on that badge, really like coming here and
17 doing their job.

18 But when your hands are tied, what are you
19 supposed to do? Then you start getting complacent like the
20 other officers. You start like you know what? I don't
21 care.

22 Last year I got 480 hours of comp. Why? Because
23 we were short and because I wanted to see if I could do it.
24 This year I have got 300 hours. Do I want to get more? No.

25 Because I don't care anymore. Why should I help? Come in
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1 and do my time, do what I am supposed to do, go home.

2 MR. GUENTHER: Can I ask you some questions --

3 MR. VERRETT: Yes.

4 MR. GUENTHER: -- frankly because right now you
5 are one of our few witnesses that has quite a bit of kitchen
6 experience, and I would assume that you had kitchen
7 experience also at Lewis?

8 MR. VERRETT: At Lewis, yes, sir.

9 MR. GUENTHER: And you were --

10 MR. VERRETT: I was a kitchen officer in
11 New Mexico, too. When they found out I worked the kitchen,
12 they put me in the kitchen a lot.

13 MR. GUENTHER: You were solo?

14 MR. VERRETT: I was solo.

15 MR. GUENTHER: Have you had incidents either at
16 New Mexico or in Lewis where you were threatened or had
17 incidents where there was some inmate activity that took
18 place that was out of normal?

19 MR. VERRETT: In New Mexico, no.

20 Here at Lewis catch a couple of inmates stealing
21 stuff. Just the way you talk to them you can diffuse the
22 situation. Did I feel like I was in danger? Of course.
23 Every time I walk in here I feel like I'm in danger, I feel
24 like my life is threatened. But do I still walk in here?
25 Yes, I do. To do the job.

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1 But in the kitchen it's a whole different world.
2 Let's say the kitchen I work now. If I'm the only one in
3 there with 25 inmates -- as a matter of fact, a couple of
4 weeks ago I busted an inmate with doing some drugs. Because
5 all of this was going on I had another officer in the
6 kitchen with me.

7 MR. GUENTHER: Because of the situation at Lewis?

8 MR. VERRETT: Because of the situation. But if I
9 didn't, and I had to initiate an IMS, well, I have the keys
10 to the doors. How long do you think it would take the
11 A-Team to respond to me in the kitchen locked with
12 25 inmates and two white shirts? About two, three minutes?
13 Because they have to run from each side. Oh, I'm sorry.
14 We're not allowed to run. They have to get from Point A,
15 Point B, Point C to my location.

16 SHERIFF VANDERPOOL: You are not allowed to run --

17 MR. VERRETT: Oh, no. That can create --

18 SHERIFF VANDERPOOL: -- in responding to an
19 officer's request?

20 MR. VERRETT: Well, put it like the rule is you
21 are not allowed to run into an IMS. But if it's an officer,
22 I bet you all of these people will be running to my help.

23 SHERIFF VANDERPOOL: I hope so.

24 MR. VERRETT: The reason why is because you can
25 twist an ankle, you can injure yourself responding to an

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1 IMS. But do I break that rule if I hear an officer on a
2 radio calling for backup? Oh, yeah, I'm going to break that
3 rule.

4 SHERIFF VANDERPOOL: Is that a policy?

5 MR. VERRETT: It is. At Lewis it was. I am not
6 sure what the policy is here, but at Lewis you wasn't
7 allowed to run to IMS.

8 MR. GUENTHER: Have you also pulled duty in the
9 towers at Lewis?

10 MR. VERRETT: No. I never pulled duty in towers.
11 Never did. I have been in the towers and, like I said, the
12 norm was graveyard officer, somebody punch the button, you
13 look over, okay, you see an officer, punch the button, come
14 on in, come in the first gate, and then you push -- the
15 tower officer upstairs pushes the second button that
16 accesses the door, and the third door in, the one you were
17 speaking about earlier is on access. Push the button --

18 MR. GUENTHER: You buzz the gate, you buzz the
19 outer door, and the inner door is on access?

20 MR. VERRETT: The inner door is on access.

21 MR. GUENTHER: Why were you in the tower if you
22 weren't assigned to the tower?

23 MR. VERRETT: Because when I was a yard officer
24 that's where we hung out at. That's where we stayed because
25 he or she was up in the tower by themselves. So you don't

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1 want the tower officer going to sleep. So you go up there,
2 keep them company. You run coffee or you run a doughnut or
3 you run something up there to them.

4 MR. GUENTHER: I really appreciate you taking the
5 time.

6 MR. BURKE: I want to ask one follow-up question
7 on that.

8 You mentioned earlier you were cross leveled to
9 Morey. So that means you were assigned to another unit and
10 for a temporary period of time you were assigned to Morey?

11 MR. VERRETT: Right. Morey for that shift, that
12 10-hour shift.

13 MR. BURKE: How would they know, other than the
14 uniform, how would they know who you are, your fellow
15 officers out in the field?

16 MR. VERRETT: ID. That's it.

17 MR. BURKE: But you could be on a shift cross
18 leveled to Morey and try to get in the tower and the two
19 officers in the tower would have never seen you before?

20 MR. VERRETT: Right. Correct. One last thing I
21 want to add, address. If the 15 days, how long were you all
22 prepared to go? How long? Would they have went 20? 30?
23 Two months? Three months? That's my concern.

24 In COTA we are taught self-defense for about a
25 week. I used to box. I used to be in the military. I'm
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1 not going to remember a week's worth of training from what I
2 used to know. You need to extend, you need to extend
3 self-defense or you need to give us more money.

4 Actually, you need to give us more money, period,
5 because all of these officers here we do a -- we put our
6 life on the line every day with 200,000 inmates. And that's
7 all I have to say.

8 MR. GUENTHER: We appreciate you taking your time.
9 Thank you, sir. Try to work on your smile.

10 MR. VERRETT: Well, if this panel ends up giving

11 us a raise, you are going to see a big smile.

12 MR. BURKE: We are going to take a little break
13 for our court reporter here, 15 or 20 minutes.

14 (Whereupon a recess was taken from 1:20 P.M. to
15 1:51 P.M.)

16 MR. BURKE: Sir, thanks for waiting through the
17 break on that.

18 MR. CARDENAS: That's okay. Jose Cardenas.

19 My name is Jose Cardenas. I am a parole officer
20 for the Department of Corrections for the Southern Regional
21 Parole Office. I have been with the department for
22 22 years. I used to be a correctional officer here in this
23 complex. I've been a classification officer. I have been a
24 group coordinator. I have been a CO III. I am a parole
25 officer. I have been a supervisor. And I have had my

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1 travels, and I have seen a lot of things in this department
2 in 22 years.

3 And I probably won't have something new to say,
4 but what I would like to say, I empathize with what happened
5 and wish it never would have happened. The first thing that
6 came to my mind when I heard about it I said it was a breach
7 of security somewhere is the first thing that came through
8 my mind because this should have never happened.

9 But you know, the issue that has been brought up
10 before is that training needs to occur. What's training?
11 What's better training? Less training, more training.

12 The gentleman mentioned earlier about how training
13 has been cut back, how the staffing levels have been bad,
14 morale is bad, accountability is bad.

15 Specifically I mean, for example, when I was a
16 CO III I left about a year and a half or two when I was
17 working here at the unit, program staff basically is
18 supposed to be working program, helping the guys fill out
19 the paperwork, get them released, fill out their whatnot.
20 You know, we had to provide security. 20 percent of our
21 time was to be on the yard doing a post as needed. And as
22 people were saying, if they didn't have enough staff at
23 another yard, you would go work at that other yard. I did
24 that for a short time, I got tired of it, and I left and
25 went back to parole. I'm currently in parole.

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1 But it's true what people are saying about the
2 issue of we are concerned about that cigarette butt sitting
3 on the floor. We're concerned about cleanliness. People
4 say -- it's not to say that we say security comes second,
5 but it seems to be the perception that the security is not
6 that important because your staff is always being chewed out
7 or reprimanded for issues of not keeping the unit clean,
8 keeping inmates in compliance. And how do you instill
9 discipline of these guys and have an orderly operation of a
10 unit if you are more concerned about a cigarette butt or the
11 floor being dirty and somebody is getting stabbed with a
12 shank someplace else, and if you were watching more secure
13 that situation of the inmate, how they are doing their
14 thing, things wouldn't happen.

15 But it's going to happen in this kind of
16 environment because we are working with people who are
17 educated in the criminal thinking of I'm going to kill you,

18 I'm going to stab you, I'm going to use drugs, I'm going to
19 do whatever.

20 And the other issue is about supervisors, the
21 lieutenants and sergeants and so forth. It's interesting,
22 if you look at their pay scales and look what they are
23 doing, some of these supervisors don't want to be
24 supervisors. I know I stepped down from being a supervisor
25 because my staff was making more money than I was. And

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1 that's demoralizing. \$20,000 more, whatever. You say what
2 am I doing here? All of this grief and responsibility. But
3 we do it because we like to do it. I did it because I liked
4 to do it. But the pay is just really sad. It's
5 demoralizing for us folks, for the staff here.

6 So you know when you complain, not complain, but
7 you bring it up to your superiors and everything, they say,
8 well, if you don't like it, you could always go someplace
9 and find another job, you know.

10 And these are veterans. When somebody told me
11 you're a veteran, you've been here -- I feel young, so I say
12 I'm a veteran? What do you mean? You are the oldest guy
13 that's been around here, so you know what's up. I say what
14 does that do for me?

15 I mean I would like to feed my children and send
16 them to a private school, I like to do all of these things,
17 but that ain't going to happen. So I just got to wait for
18 another year and a half and retire and then reinstate and
19 come back and keep on working. That's a sad way to end a
20 career.

21 I just feel that we all do a good job. We all do

22 a good job in this department. We put up with -- we do with
23 less. It's just like being poor. And if you have been
24 poor, you know how to -- you learn to do without.

25 Our agency budget is bigger than all the other
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1 agencies in this state, you know, DES and all of these other
2 agencies that are out there. Sure we want to build more
3 buildings. Sure we want to build more security, more lock
4 them up and throw them up -- I mean, but we are not doing
5 nothing to enhance or to train or to treat or to change the
6 criminal element that we are taking care of. What we are is
7 warehousing these folks.

8 People said, well, what kind of training do you
9 have? And I said I don't have no training. When I came to
10 this department 22 years ago, I didn't go to COTA. I didn't
11 go through COTA. As I sit here today, I have not gone
12 through COTA. I left. And when I came back, I left, the
13 training I had was here is a set of keys, that's your unit,
14 have a nice day, see you at the end of shift.

15 When they did it that first day I walked in, I was
16 scared. I was scared. But I survived because I learned how
17 to survive in the street.

18 The gentleman that spoke before me, again, he was
19 pretty -- I appreciate what he said because -- listen to
20 what he had to say. That man had a lot to say. A lot of
21 staff feel that way.

22 And I took the time out of my day to come here to
23 say that, that there is a lot of morale that's not up to
24 par. If the public would treat us better, if the media

25 would treat us better, if our legislators would understand
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1 what's going on in the trenches, they would understand, you
2 know.

3 If it was them sitting in that tower, they would
4 have a whole different story. You wouldn't be sitting here
5 wanting to listen to us because you would know firsthand
6 what's happening. And it's like saying how can you say
7 that, you haven't been there.

8 But I really hope you folks take whatever you
9 listen to here today from the staff and take it to the
10 Governor, take it to the legislature, and take it to the
11 community and to the public and tell them, hey, this change
12 needs to occur, you know, tomorrow, next year, next week,
13 you know, soon, immediately, you know.

14 Because every time we try to ask or do something
15 all we do is get stonewalled, you know, as the public or as
16 an employee. And this happens on a daily basis. People
17 come to work every day, hey, just like the gentleman said, I
18 hate the Department of Corrections. He says I just come to
19 work and do my eight hours, I am not going to do any more
20 overtime, I'm going home, go home where it's safe.

21 Even then sometimes it's not safe in our
22 communities. And as a parole officer, I work in the streets
23 now, and I'm good at that, but it's dangerous out there. I
24 feel more safe in prison than I do out in the streets just
25 because of -- that's a sad way of looking.

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1 Can you imagine how the public feels? And that's
2 why there is so much outcry. They treat us like -- people
3 say they call us guards, we're just glorified babysitters,
4 you know, so why should we pay them more?

5 But people need to understand what really goes on
6 behind prison. It's not the movies in here. It's a serious
7 business.

8 But I do believe that we need to spend more on
9 treatment, spend more on programming and educating these
10 folks.

11 When I left, the reason I left when I was a
12 correctional officer I left because I got tired of all of
13 the homicides that were going on in this prison. And it
14 wasn't until the director changed, and it had to do with
15 gang warfare is what was going on, and it wasn't until he
16 separated them, and that was a great idea. But the
17 classification definitely system needs to change
18 significantly.

19 People say how do you -- people talk about the
20 training. It's hard to train somebody on nonverbal
21 communication because unless you've been there and you've
22 seen it, and you sense, your gut feeling tells you something
23 is going down, but you don't know what it is, but at least
24 if you have some street smarts about it, you know it's going
25 to go down. Beware, it's going to happen.

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1 And that's what saved my behind being in prison is
2 I kind of sensed something wasn't right, and sure enough, a
3 riot broke out. I went through about five homicides and two

4 riots before I said, you know what, I came to prison because
5 I wanted to change something in the system, change the
6 inmate population because of what I saw in the streets
7 growing up as a kid. But I realized that you can't change
8 criminals.

9 But I don't see treatment. Treatment needs to
10 occur. I'm for treatment, and I'm for programming. I have
11 a lot -- my job, what I was doing now is I go around to the
12 different facilities and I interview inmates that are
13 homeless, that don't have a place to live because it's a
14 high percentage of inmates that are being released from
15 prison and people wondering why they are coming back to
16 prison. Well, I'm homeless, I don't have a dollar in my
17 pocket. I got the clothes that I got on my back. I have no
18 food. I have no place to live. I have no medical. I have
19 no nothing. So the first thing I'm going to do if somebody
20 walks up to me and offers me some cocaine or drugs or beer,
21 I'm going to get, like they say, all hallucinatives (sic),
22 intoxicated, whatever, and go commit a crime.

23 And that's how we are sending out these inmates
24 out to the streets. And as a parole officer, we have a
25 responsibility to protect the community. So as a parole

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1 officer I have to send them back to prison. But the public
2 needs to understand and be educated on this matter because
3 that's the only way I see a change occurring. That's all.

4 MR. RIVELAND: Jose, you said that you had worked
5 in classification at one point?

6 MR. CARDENAS: Yes.

7 MR. RIVELAND: You have been around a long time,
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8 both working in and out of the institutions. You have got a
9 pretty good intuitive feel --

10 MR. CARDENAS: Yes, I do.

11 MR. RIVELAND: -- as to the threat an inmate is
12 going to present in prison.

13 Given that history you have and you said that the
14 classification system needs change, what's wrong with it?
15 What would you change?

16 MR. CARDENAS: Well, I think that Mr. Fisher is
17 working on that. Me, personally, like the young lady from
18 Yuma stated, what's a murderer doing in a minimum yard? Me
19 personally, a murderer is an easier -- depending on the type
20 of murderer, a murder of passion versus a murder of armed
21 robbery or drive-by shooting or those kind, how do you
22 distinguish? A murder is a murder is a murder. But if you
23 feel threatened, you are going to be threatened. I don't
24 know how to --

25 MR. RIVELAND: Do you think the system is

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1 overclassifying, underclassifying or both?

2 MR. CARDENAS: I think it's a combination of both
3 because the inmates understand the classification system
4 better than we do. You go to a guy that's a bad guy, say he
5 is a 2-3, and he is in a medium yard, and what happens is
6 you have to understand the mentality of the convicts or
7 inmates or offenders or whatever the title you want to give
8 them. They got to live their own life in prison, and prison
9 life the way they live it is not happy. It's not a nice
10 place to be in that predicament. So they in order to save

11 themselves, they bump themselves up so they can be put in
12 isolation so that they don't screw up being locked up in
13 prison any longer for committing another crime.

14 That's why they say I would rather go sit in SMUI
15 or II and be locked up and act out to get away from owing
16 drug money to somebody or having to put a contract out or
17 belonging to a gang, belonging to one of the STG groups.
18 There is a whole variation of issues involved in that.
19 Hanging out with the right group of people. If you don't,
20 we will beat you up. The threats that they have to live
21 with are -- I don't know if it's greater or lesser than what
22 they have to do to us, but they are eventually going to get
23 out of prison and hurt the public.

24 But if we don't do nothing to change that
25 mentality, it's going to continue to happen. I don't have

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1 the answer, but I think, I know for a fact Dr. Fisher is
2 working on that, and I guess I am going to be working with
3 that return to custody issue in Florence in the months to
4 come. And I guess I will learn more about it when I get
5 there.

6 MR. RIVELAND: Thank you.

7 MR. GUENTHER: If I could, just a couple of brief
8 questions. When you say that you, as a staff person, made
9 more than you as a supervisor, why in particular was that?

10 MR. CARDENAS: Well, see, you have to look back at
11 how the pay system has started. When I started, they had a
12 pay scale system, okay, where you could graduate to those
13 levels. And then they changed the pay system right when I
14 was going to get a raise. Right? And they said no, we are

15 just going to make it all this grade. But now they are
16 talking about reinstituting that.

17 And the frustration is that we get promised, we,
18 as staff in the Department of Corrections, we get promised,
19 hey, you are going to be getting a raise, and then just
20 because the emissions folks or the gas guzzlers got their
21 new cars screwed up and ruined our state budget we, as
22 employees, have to suffer the consequences. You know what
23 I'm saying? So accountability, who is accountable for that?
24 We, as employees, because we didn't screw up? We know why.
25 The politics is pretty deep when it comes to that question.

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1 MR. GUENTHER: Yeah, it is pretty deep. All
2 politics is pretty ugly, too.

3 You also stated that you support treatment, not
4 programming. Can you expand on that just a little bit?

5 MR. CARDENAS: Treatment and programming are
6 simultaneous, and I apologize for that confusion. But
7 treatment, I believe that 80 percent, it's been proven that
8 80 percent of our inmate population, anybody that committed
9 a crime, okay, were either under the influence of some sort
10 of substance, be it alcohol, be it drugs or be it mental
11 health issues.

12 If I wasn't drunk, I wouldn't have shot my wife.
13 If I wasn't high, I wouldn't have robbed a 12-pack of beer
14 from Circle K. If I wasn't mentally dysfunctional, very
15 mental ill problems, we have the worst mental health problem
16 in the state -- in the nation. What are we in DOC doing?
17 What is Arizona doing? Nothing.

18 I mean if you would find out how much money we are
19 putting into that, it's not even a drop in the bucket, you
20 know. But the community, the politicians, the legislature,
21 they just want to be tough on crime.

22 MR. GUENTHER: Good point.

23 It wasn't mandatory sentencing when you shot your
24 wife then?

25 MR. CARDENAS: No, it wasn't. Just kidding.

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1 MR. GUENTHER: No. I understand.

2 MR. CARDENAS: I mean the truth is the way the
3 truth in sentencing is, I think they ought to go back to the
4 old way, the way it was, because you see now there is no
5 consequences. An inmate can screw up in prison. What are
6 you going to take away from him? Nothing. He knows I am
7 just going to do my time. Then when he goes out on parole,
8 he knows when he gets out on parole I only got I call it the
9 15 percent equity law. So you got 15 percent in doing your
10 time on parole. All he has to do is commit a technical
11 violation and get violated and get sent back, and he doesn't
12 have to -- he doesn't lose anything. He goes out and has
13 his fun and has his beer and gets high, whatever he wants to
14 do, he has no problem coming back to prison. Prison is home
15 for him.

16 MR. GUENTHER: How do you recommend that you
17 change that mentality?

18 MR. CARDENAS: Programming and treatment, you
19 know, start educating. I had the task of putting together a
20 pre-release program two or three years ago. And it's been
21 put on a video, and it's sitting on the shelf. You know, we

22 always create programs, we do treatment, but we don't
23 implement them. We put all of this money to do it, but we
24 don't implement it.

25 MR. GUENTHER: I hear you.

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1 MR. CARDENAS: What more can I say?

2 MR. GUENTHER: I hear you.

3 MR. CARDENAS: It's frustrating, very frustrating.
4 So they just blame us for all of the ills of the world, but
5 we need to be more forthright about it. If somebody put a
6 gun to my head and said you have to do this, well, I would
7 probably be doing it under duress, but heaven forbid if I
8 got free, I would be a very upset individual about it and
9 want somebody -- either I would take care of it or somebody
10 else would have to take care of it.

11 MR. GUENTHER: We have to find a way to make
12 corrections sexy. Do you know what I mean?

13 MR. CARDENAS: Oh, yeah.

14 MR. GUENTHER: Politically sexy.

15 MR. CARDENAS: I don't know. I have been to your,
16 no pun intended, but I have been to the cocktail parties.
17 That's where most of the decisions get made, you know.
18 Maybe we should have instead of cocktail party have a little
19 entertainment program about it and start changing the
20 mentality of some of these legislators up there because they
21 are clueless, you know.

22 They just want to know how much money that we are
23 going to take away from the taxpayers so that we can create
24 more programs for our cities and our own towns. We have to

25 take care of ourselves. That's what politics is about.

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1 MR. GUENTHER: I agree with you because my first
2 year in the legislature was in 1986, and I had gone from the
3 assistant swine leader of the 4-H Club to being a legislator
4 in eight days. And I suddenly got involved in prisons. And
5 at the time Sam Lewis was the director, and I had the
6 opportunity of my first year in the legislature to go to
7 every prison that was in existence at that particular point
8 in time. And I have never forgotten that experience as ugly
9 as it was.

10 MR. CARDENAS: It is ugly. It's not a pretty
11 thing. But people need to accept that it's not a pretty
12 thing, first of all, and then say let's make it sexy, like
13 you say.

14 But you know, sometimes in this line of work I
15 have become cynical to survive. And how do you think the
16 public feels about it? How do you think the staff feel
17 about it? We are supposed to come in with a smile every
18 day? I don't think so. We just got to do our job because
19 we are responsible people.

20 MR. GUENTHER: And we appreciate that. I
21 appreciate that, the ability to continue to do it even
22 though you are frustrated and forlorn actually.

23 MR. CARDENAS: I know there is a lot of people out
24 there in the community that are willing to help, but because
25 of the way the bureaucracy is set up we don't want you

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1 because you are too radical in your thinking. So maybe we
2 should start listening to these people because they are not
3 doing anything negative. They are not committing crimes.
4 They are out there helping people. But it's just the way
5 they think about it.

6 MR. GUENTHER: You come on over to the Department
7 of Water Resources. Making waves is natural over there.

8 MR. CARDENAS: That's why I go to Rocky Point all
9 the time.

10 But seriously, though, I think we need to take
11 care of our people first. And the way you are going to take
12 care of us is by paying us more money, not telling us to go
13 to Burger King because that's a slap in the face.

14 MR. GUENTHER: Again, you know, the public they
15 just don't want to deal with prison issues. They just flat
16 don't want to. Get them out of my sight, get them out of my
17 community, get them off the street, lock them up. We know
18 you can't kill them because it's illegal.

19 MR. CARDENAS: It's not going to solve the problem
20 either. But you can streamline the problem.

21 MR. GUENTHER: But I mean they don't want to look
22 at you. They don't want to see you. They don't want to see
23 the prisons, and they don't want to see the prisoners --

24 MR. CARDENAS: Not until it happens to them.

25 MR. GUENTHER: -- because it really bothers them.
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1 MR. CARDENAS: Not until it happens to them.
2 That's sad.

3 MR. GUENTHER: That's right. Walk a mile in my

4 moccasins.

5 MR. CARDENAS: Exactly. Thank you.

6 MR. GUENTHER: Thank you so much.

7 MR. BURKE: Great job, Jose.

8 MR. BORDELON: My name is John Bordelon. And I

9 have been with the department two years shy -- or two months

10 shy of 14 years. Since I worked here it's changed a whole

11 lot. It's gone from being a fun, exciting, can't wait to

12 get to work job to kind of like, well, I got six more years

13 to go, just six more, and that seems like that's all there

14 is anymore.

15 There is brand-new people that don't really know

16 why they are here to begin with, just waiting for something

17 else to come along or the ones like me with 14, 16 years in.

18 Phew, I am almost out of here, just cruising through, just

19 two more years or whatever.

20 And that's all we're going to have anymore. I

21 don't see it getting any better. And the issue is money.

22 Staffing, that's just not getting any better in

23 the near future, I don't see.

24 Sick leave, people calling in is rambunctious with

25 this new overtime thing they got. You get mandated. Okay?

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1 I get mandated on my Friday, there goes half of my weekend,

2 so Monday morning I want my weekend, I'm going to call in.

3 All right. They mandate this person, and he gets comp time.

4 Okay? Well, he takes his comp time off Monday morning

5 instead of coming to work. So they're paying him for not

6 being there, now they are paying another person time and a

7 half to cover his post. That's double time and a half to

8 cover that post. And then this person that got mandated to
9 cover his post calls in his Monday because he has got his
10 40 hours before he is done. So you are paying all of this
11 money.

12 Why not just pay people willing to work the
13 overtime time and a half cash money to begin with? I don't
14 know what -- every June, last June I got paid \$5,600 for all
15 my comp time the whole year. Now where did they save
16 waiting until June to pay me? If they will pay you right
17 now, half of these people would be in there making overtime
18 instead of being right here right now.

19 Guarantee half of these people before next week
20 are probably going to work overtime anyway. You get
21 mandated.

22 Morale, there is none.

23 Disciplinary. You get in trouble for silly little
24 things. You get a little bit of time off. An example of
25 the opposite side of that we have an officer he took a UA
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1 for an inmate or something. All right?

2 Would you want to work side by side with that guy,
3 drops a UA for an inmate for 200 bucks? That guy should
4 have been fired. Instead they give him two guns, put him on
5 day shift, and he is driving the perimeter, our last line of
6 security. That's on post right now, last line of security.
7 Inmate gives him 200 bucks to get out the gate. Sure.
8 Pissed for you, why not let you walk out the front door?

9 MR. BURKE: Where did that happen?

10 MR. BORDELON: That was Rincon Unit. Security,

11 morale. Security, we used to check bags up here as you come
12 in. The security is tighter for this meeting than it is at
13 shift change. I'm not kidding you.

14 They are turning away people out there. I didn't
15 have my State ID. Everybody on this complex knows who I am,
16 I think. If they don't know me, they know my brother. We
17 look just alike. Half of them think I am him and he is me.

18 Anyway we used to check bags and scan the staff.
19 Well, we didn't have time and the people to do it. So they
20 come in. I, myself, carry a lunch box about this big. So
21 does everybody else. Backpack, lunch box, all of their
22 food, hygiene, whatever they are going to need throughout
23 the evening or day, 10, 12, 16 hour shifts sometimes. They
24 bring lunch, breakfast and dinner. We don't check it up
25 here anymore. They check it at the units.

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1 Well, at shift change, morning shift change, you
2 have got every staff you have got, and you are short to
3 begin with, doing something, you are getting them up,
4 getting them out to work, getting them breakfast fed,
5 blah-blah-blah. Who is there to see what you are bringing
6 in? Nobody.

7 How many phones have we found on Rincon Unit in
8 the past month or so?

9 An inmate with a cell phone is worse than an
10 inmate with a gun. They are finding cell phones, drugs.
11 Are we going to wait until they bring in an Uzi? I could
12 bring in a gun every day through that main point of entry,
13 every day, 10 times a day.

14 Security. It's, well, it's what it is. It's not

15 much because of morale. Like I said, they are just
16 cruising. I am doing my, hey, I got three more years to do
17 this. Or you know what? I have been here 18 months, and I
18 don't like it, I don't give a heck. I am not going to be
19 here much longer.

20 There is just none. Morale is none. I mean there
21 used to be every unit was a family. Like Rincon Unit, I
22 mean a lot of love there. Well, it's not like that anymore.
23 It's not. And it needs to be because this is a brotherhood.
24 You got to be able to trust the guy next to you with your
25 life, and if you can't, he can't trust you. Or he could
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1 probably trust you but he can't depend on you. You are
2 like, well, you know what? You are on your own, buddy.

3 And then there is a lot of that between the new
4 and the old. New guys come in. They are like all they are
5 going to do is cause trouble. They ain't going to be here
6 in three months anyway. Why bother?

7 Training. Do any of you know what our training is
8 about at all? I think for the past five years I have seen
9 the same two videotapes or four or whatever. It's the same
10 thing every year. It's a mandated thing that we get this
11 training, so we watch the same videos in this room on that
12 same TV. They are probably in that cupboard, the same ones.
13 They are about water conservation, CRIPA or sexuality stuff
14 in the workplace. I mean we could turn it on and we could
15 all narrate it.

16 MR. BURKE: Did you watch one on escapes?

17 MR. BORDELON: Department of Corrections doesn't

18 have escapes, no. Hostage, I don't think we have seen
19 anything on hostage. I bet we will this year if they can
20 afford to make one.

21 But the bottom line and I'm sure you have heard it
22 from everybody is money. They only have money like, for
23 instance, here is a good one. It's none of my business how
24 much, but I am sure you guys aren't here on your own time.
25 Are you? You are here on your own time? Or are you being

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1 paid for this? I commend you, sir. I am not either.

2 MR. BURKE: These guys aren't.

3 MR. BORDELON: They told us that, like I got a
4 call at 10 o'clock, I was watching the news, as a matter of
5 fact, the prison update was on where they actually told us,
6 instead of lying to us like all our superiors do that the
7 suspects are fine, nobody was violated, nobody was hurt, and
8 then on the news last night both of those women were raped.
9 But they knew that and they lied to us.

10 Another thing is these routers. When something
11 used to happen, be it in Winslow, Douglas, wherever, if
12 there was an incident, in briefing we would get word of it.
13 And if there was a weapon used, we would get a photograph of
14 the weapon used.

15 The day after the hostage situation started in
16 Winslow an officer was working a lockdown unit by himself
17 where there is supposed to be two officers present to open a
18 door, was running showers. The inmate was cuffed up, going
19 to the showers. He soaped his hands on the way back to his
20 house. And the door opened. The officer went to put him in
21 his house, he slipped his cuffs, pulled his shank, stabbed

22 him three times in the head and in the neck.

23 I got word of that through the windmill four or
24 five days later after the fact. Well, they need to tell us
25 that stuff and tell us what the weapon was made of so we can
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1 tell our people in our lockdown units, hey, we got something
2 new, you need to watch out for this. No, push it under the
3 rug like everything else.

4 The public doesn't hear about this. We don't hear
5 about it because the public might hear about it. That's no
6 way to run something like this. We need to know this stuff.
7 They need to share it with us. They need to brief us on it.

8 Briefing needs to be a little more than, okay, you
9 three have the high numbers, you are the ones that are going
10 to get mandated today, everybody go to work.

11 Oh, you know what they need? A warm body, a warm
12 breathing body is all they need to cover a post anymore.
13 You pull five 10's in a row and you get mandated. How do
14 you think you are going to be able to cover a fast-paced
15 morning post after pulling 10 hours four nights in a row?
16 You are not going to be worth a darn, especially if you
17 don't want to be there.

18 Pay the people that work for you. And if they
19 don't work for you, don't pay them. Find someone that will.
20 And if you pay them right, somebody will do it. I guess
21 it's all about money. Like I said when I walked up here,
22 it's all about money.

23 I'm not unhappy with the money I get. And it
24 doesn't do any good to complain. They say be thankful you

25 have a job. What kind of response is that? Here you go. I
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1 got 14 years. I am making 73 cents an hour more than
2 someone with eight years. That's a long time to go without
3 a raise; huh? Six years.

4 I'm sure there is more than that back here waiting
5 to get up, so I will let you go with that. Thank you for
6 your time. And I'm not going to leave. I am going to sit
7 down and hear what everybody else has to say.

8 MR. BURKE: Thank you.

9 MS. WICKWIRE: Hello. I am CO III Gail Wickwire.
10 I have been with the department since September of '93. I
11 worked as an officer for about two and a half years,
12 promoted to sergeant, was sergeant for three years. I left
13 SMUI as a sergeant and was promoted to CO III where I do
14 classification now at Echo. And I have three concerns.

15 The towers at SMUI were such that you entered a
16 secured area as a sally port, and the officer had to access
17 a button to open the outer door, which is on the ground
18 floor, for you to be able to enter the tower.

19 And now because of an escape that occurred about
20 three years ago at Meadows it's common procedure to before a
21 CO leaves the unit to ask on the radio all work crews if
22 their counts have cleared.

23 And I think it would be a good thing for anyone in
24 a tower to be instructed to challenge anyone wanting to
25 enter the tower by saying stop and identify. Even if they
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1 are very familiar with that person they should do that
2 because the uniform can conceal a person that you really
3 don't know.

4 And then another suggestion I have is that COTA
5 cadet should spend a month at one of the SMU units, special
6 management units, or central unit before they go to any
7 other yard. That way they see and they work more directly
8 with the more dangerous criminal element and they will be
9 less likely to trust an inmate on any other yard.

10 A third suggestion I have is that rape prevention
11 techniques be taught by law enforcement officers to female
12 cadets. I know that the police department used to offer
13 rape prevention courses for the female public, and I think
14 it would be a good thing to add to the COTA curriculum. It
15 should only be about an hour or two class, and I think it
16 would really help female officers a lot.

17 MR. RIVELAND: Let me ask you a little bit being
18 that you worked in classifications some of the same things I
19 did before regarding your classification system.

20 Intuitively do you feel it's accurate and works?

21 MS. WICKWIRE: I have just gotten into it myself,
22 but I think that there are things that I think are a little
23 drastic. Level 5 inmate that enters the system as a
24 Level 5, you know, he can go down to a Level 3 custody level
25 yard, and to me that seems very trusting. You know, he only

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1 has to do that in two years, and depending on how much time
2 he has to go, and I don't feel that that is an accurate
3 parameter to go by.

4 You know, you can't pigeonhole every person under
5 one category, and each individual should be looked at by
6 themself rather than to be all grouped together and say, oh,
7 he is a five, he can do this and that. You know, I don't
8 think it really is an accurate way to judge them.

9 MR. RIVELAND: How long have you been doing
10 classification?

11 MS. WICKWIRE: Only about two months.

12 MR. RIVELAND: Have you had any override requests
13 during that time?

14 MS. WICKWIRE: Yes. Disciplinary. And they
15 usually stay at our unit unless it's something like drugs
16 or, you know, something of that nature. And then we send
17 them out to a higher custody yard.

18 MR. RIVELAND: Thank you.

19 MR. GUENTHER: Gail, can I ask you just a couple
20 of questions?

21 MS. WICKWIRE: Sure.

22 MR. GUENTHER: Can you tell me again what you did
23 before you became a classification officer?

24 MS. WICKWIRE: I was a sergeant at Special
25 Management Unit Number 1.

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1 MR. GUENTHER: And then before that?

2 MS. WICKWIRE: I also worked sergeant at Rynning
3 Unit and Meadows Unit, and then I was an officer here in
4 Tucson. My first unit was a minors unit, which I feel was a
5 very good place to start because you learned street smarts
6 really quick there --

7 MR. GUENTHER: At the minors unit?

8 MS. WICKWIRE: -- you know, more than going to the
9 open yard.

10 MR. GUENTHER: Would you have benefited by going
11 to SMU as one of your first duty stations?

12 MS. WICKWIRE: Well, I think that working at the
13 minors unit pretty much had that kind of effect for me.
14 I've seen people come out of COTA and go to a low custody
15 yard and not really realize the tricks that inmates can play
16 on them. They don't even see it coming a lot of times.

17 WARDEN FLANAGAN: Gale, explain to them what the
18 minors unit is.

19 MS. WICKWIRE: Minors unit is a Level 5 yard for
20 teenagers that have been adjudicated as an adult, and
21 unfortunately they will probably spend most of their life in
22 the penal system, but they will probably always have the
23 mentality of a child in my opinion. But they can be very
24 dangerous.

25 MR. GUENTHER: Thank you very much.

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1 MR. ABT: I'm Correctional Officer III Abt. I
2 have been with the Department of Correction since August of
3 1988. I started my career at SMUI, as the woman before me
4 spoke. I spent two years up there as an officer, and then I
5 transferred to the Cimarron Unit here in Tucson, and I spent
6 approximately five years there as an officer.

7 I promoted to sergeant to Echo Unit, and I spent
8 about six years as a sergeant, five of which I was a
9 disciplinary coordinator where I looked at and investigated
10 some of the things that inmates, some of the things that

11 they did wrong, some of the policies that they violated.
12 I became a C0 III about a year and a half ago.
13 And some of the things that I would like to bring up is I
14 think it is a good idea to start officers out at a higher
15 custody level. When I went to SMU, it was the most secure
16 unit in this state. I learned how to restrain an inmate. I
17 learned how to put what we call a belly belt on an inmate.
18 It's handcuffs and a leather belt. I learned how to put a
19 belly chain on an inmate that has a padlock. I learned how
20 to appropriately escort an inmate. At COTA they teach you.
21 COTA gives us a groundwork. When we go to the units, that's
22 where we really learn. COTA is a foundation that we have to
23 build on. And at SMU I learned about security. I learned
24 not to let these inmates get behind you. I learned that
25 when you escort an inmate you stay behind them at all times.

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1 When I became a sergeant and went to Echo Unit,
2 which is a Level 2 yard, I had only worked higher custody
3 levels, I worked Level 4 and Level 5. Going to Echo unit
4 was an eye opener. There were approximately 450 inmates,
5 five staff.

6 MR. BURKE: Echo Unit?

7 MR. ABT: Echo Unit. And I was telling a story to
8 one of the C0 IIIs here when I was a sergeant, going to a
9 Level 2 yard for the first time, inmates all over the place,
10 they have freedom from 6 o'clock in the morning until we do
11 our count. We ask them to go back to their rooms at 11:00.
12 Inmates would open doors for staff. Staff would walk
13 through these doors. I didn't want an inmate behind me. I
14 would hold the door open for the inmate. Staff were saying

15 what are you doing? You are holding a door open for an
16 inmate?

17 And I said no, I'm not. If I let that inmate hold
18 that door open for me, I walk through that door, that inmate
19 is behind me. That leaves myself open to be hurt.

20 My first three years with this department I was
21 involved in forced cell moves. I have seen inmates try and
22 commit suicide, doing a forced cell move on an inmate that
23 slit his wrists. I was involved with disturbances, major
24 disturbances at Cimarron. I was assaulted. I had an escape
25 attempt -- an actual escape. It wasn't an attempt. It was
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1 an escape. It happened. An inmate escaped from me. And he
2 got my gun. I escorted him to the hospital. He was taking
3 the whole thing. He had a cuff key hidden on his person.
4 We strip searched him, and we stripped him appropriately.
5 We did it the way it was supposed to be done. We did it
6 thoroughly. He had it hidden on his person. In short,
7 tried to run away, I tackled him, took him down. He pulled
8 the gun out of my holster. He held it to my head. He made
9 the choice not to pull the trigger. I'm glad.

10 But what I wanted to get at is that when I went to
11 court for that, I had a bailiff that heard what happened,
12 and on one of the breaks he talked to me. He said you did
13 what you were trained to do. You weren't trained to carry a
14 gun every day because at the time I was just an officer
15 working on the yard. I was not a transportation officer.
16 This transport happened after hours. And at that particular
17 time officers at that unit transported inmates if it was

18 after hours. So they just picked me. I don't know why.
19 They said, Abt, we are going to send you on this run. So I
20 went and it happened.

21 MR. BURKE: Were you given transportation training
22 at COTA before that?

23 MR. ABT: At COTA. Not -- you know what? It
24 wasn't anything that I can remember from COTA to be honest
25 with you. They gave us a weapon. They trained us in COTA
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1 how to use a weapon and so forth. But I was at Cimarron
2 maybe three years after I had started at COTA.

3 But I thought about what that bailiff said, and he
4 was right. I wasn't trained how to hold a weapon every
5 single day. I wasn't trained to protect that weapon. And I
6 remembered what he said, and that made me feel a little
7 better that I did what I was trained to do.

8 I didn't get into a lot of trouble. I got some
9 time off. I didn't get fired. I told the truth, but I
10 didn't get fired. This department has been very good to me.

11 And I think we have to make a lot of choices.
12 There are some issues that some of the other people brought
13 up that need to be looked at. I think training is one. How
14 do you train somebody not to be complacent? We can have --
15 we have policies in place. We have to do a face-to-ID
16 check, but supervisors can't be behind their staff every
17 single day for every single count. We're supposed to look
18 at staffs' ID cards when we come into the unit. How many
19 staff actually look at the picture to make sure it matches
20 the person?

21 When I heard about this gentleman who said he

22 couldn't get in here because he didn't have a State ID, I
 23 thought that was good, and inconvenient, frustrating because
 24 everybody does know him, everybody knows me, but when
 25 somebody stops me and they don't let me go somewhere because
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1 of who I am because I don't have my ID, I think that's good,
 2 but there is a lot of people that will be upset about that.
 3 I don't know how to train people to not be
 4 complacent. I have been involved with training staff for
 5 since about 1997. I am highly involved in training. There
 6 is a training video on hostage situations. And if I
 7 remember correctly, it's called Making Choices.

8 I remember showing that video in a class that I
 9 instructed called -- it was crisis intervention, and it
 10 dealt with a hostage situation on an inmate that was
 11 attempting to escape from a county jail. And it was a
 12 graphic video. It showed an officer getting beat up. It
 13 showed an inmate stabbing another inmate. Not a lot of
 14 blood and guts and gore, but you knew what was going on.

15 But it talked about what to do during a hostage
 16 situation. And also in that video it shows flashbacks to
 17 training when this particular officer who was held hostage
 18 was in training and somebody was training him on what to do
 19 during a hostage situation, and the officer kind of laughed
 20 it off, in the training class when they were doing a
 21 flashback, he laughed it off, this isn't going to happen to
 22 me.

23 I see a lot of that in training. We see the same
 24 videos over and over and over. There is a video mentioned

25 about CRIPA. Are you familiar with what CRIPA stands for?
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1 MR. BURKE: Yes.

2 MR. ABT: Okay. We show that video every year
3 because it happens. Staff get involved with inmates
4 inappropriately. As long as that happens we are going to
5 keep showing the video over and over and over.

6 And I don't know why we stopped seeing the video
7 on the hostage situation. I thought it was a very, very
8 good video, especially now with what has occurred. It talks
9 about doing things out of policy, out of procedure. The
10 beginning of the video what the inmate is doing he is faking
11 being sick so that the officer will go into the cell by
12 himself. That happens. We're trained don't go in the cell
13 by yourself. This inmate in the video is faking being sick.
14 And the officer goes in. He calls for backup first on the
15 radio. The person in the control room says no, no, no,
16 don't go in, don't go in, and the officer said he looks
17 really bad or something to that effect. He goes in. And
18 then he gets taken over by the inmate. And then it all
19 begins.

20 If you get a chance to find that video, take a
21 look at it. I think it was done very well, and I think it
22 sent a good message.

23 So I think training is important. I know that
24 people are tired of going every year for the same thing.
25 But it's a good reminder.

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1 The same thing is equipment, some of our equipment
2 needs to be replaced. Our radios are our lifelines. I have
3 experienced getting a radio in the morning and within a half
4 an hour the radio is dead. Somebody calls me on the phone
5 in my office, somebody is calling you on the radio, my radio
6 is dead.

7 Now what if an inmate came into my office and
8 started fighting with me. The only thing I was able to do
9 is grab that radio and just key the mike. I don't have to
10 say anything, just key it and just yell. Nobody is going to
11 hear me if my equipment isn't working. I can check it when
12 I first get it, but I would expect to have a radio that
13 works within a half an hour of my shift.

14 Video cameras not working, paging systems not
15 working. I think those are things that would help us in our
16 daily duties.

17 And I have heard you mention classification,
18 Level 5, Level 4, Level 3, Level 2, Level 1. In my opinion
19 it doesn't matter necessarily what level an inmate is. I
20 don't care what kind of a crime an inmate committed. If
21 they are wearing an orange uniform, we need to be careful
22 what we do. We have to be as secure on a Level 2 yard as we
23 do on a Level 5. Just because an inmate is a Level 2
24 doesn't mean we can trust him. I think we should mistrust
25 him even more because they have more opportunity to escape,

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1 to harm us. They get more tools. They have a lot more
2 freedom. The lower level inmates have less security, less
3 staff working. Higher levels have higher levels of staff.

4 I didn't quite understand that. At SMU these
5 inmates are locked up 23 hours out of the day. We have all
6 of these staff working. They are handcuffed everywhere they
7 go. But then when I started working at Echo we have
8 450 inmates that we cannot lock in their room, they can come
9 out of their room any time they want, having five staff
10 working.

11 On graveyard shift you have one in a main control
12 room that can't leave that area, and I believe three other
13 staff, maybe four other staff on the actual yard.
14 200 inmates that live in a tent, they can come out of that
15 tent 24 hours a day to use the rest room, two staff,
16 sometimes one staff. That's why I think -- I think our
17 staffing levels need to increase with lower custody level
18 inmates.

19 Money, I think we need to give those staff that
20 stick around money, more money to keep them here, raise
21 their pay to keep them.

22 As I mentioned earlier, I do a lot of instruction.
23 I teach out at our training academy. During one of my
24 classes I teach staff-inmate relationships. I ask the staff
25 members why they want to come to work for the Department of

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1 Corrections. Many of them say I am using it as a stepping
2 stone to move on to another career.

3 I think if our pay was increased you are going to
4 get a better type of person. Is more money going to make
5 somebody less complacent? I don't think it will. I don't
6 think you can pay somebody money to be less complacent. I
7 think that comes from within. But I know that staff would

8 be more willing to stay if we made more money.

9 Do you have any questions? I would be happy to
10 answer any that I could.

11 MR. BURKE: When you are on the yard, what are you
12 armed with? Just the pepper spray?

13 MR. ABT: Yes.

14 MR. BURKE: Do you think there is any other
15 equipment that you should have in the yard?

16 MR. ABT: In my opinion, no. No.

17 MR. BURKE: Why is that?

18 MR. ABT: For instance at Echo, I have used pepper
19 spray while I was at Echo Unit on an inmate. But there is
20 400 of them. If they want me, they are going to come and
21 get me, and my pepper spray isn't going to help me. I may
22 spray a few inmates, but if they want me, they are going to
23 come and get me.

24 I have been one on one with an inmate and had
25 problems. I have been in a room with 17 inmates assaulted.

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1 I don't know that having weapons or any more on us would be
2 beneficial.

3 Again, you talk about security, putting more locks
4 on doors, telling people you have to check those face to
5 IDs, but it's the staff members doing it that will make it
6 work. You can tell somebody keep that door locked. It's
7 going to be inconvenient, but if that person does not want
8 to lock that door, they will lock it when the sergeant or
9 the lieutenant or the deputy warden comes around, but when
10 they are not there, they are going to leave it open.

11 So having all of this stuff I think is wonderful ,
12 but it's the person using it you have to look at. I think
13 training would be beneficial .

14 SHERIFF VANDERPOOL: Your radios, do they have an
15 officer down feature if they are down?

16 MR. ABT: No. No.

17 SHERIFF VANDERPOOL: On the training how much
18 in-service training do you do that is actually hands-on,
19 say, defensive tactics?

20 MR. ABT: None. None. There is a use of force
21 continuum that is taught. It just teaches, I think, more of
22 a philosophy of use of force than -- there is absolutely no
23 hand-to-hand training at all for in-service.

24 SHERIFF VANDERPOOL: Any red man suits where you
25 are actually in combat with another --

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1 MR. ABT: No. In-service training, no.

2 MR. GUENTHER: Did you have adequate training at
3 COTA do you feel in self-defense?

4 MR. ABT: When I went through COTA, we didn't have
5 the hands-on that they have now. At the time I thought it
6 was fine.

7 MR. GUENTHER: What about after you got to SMUI?

8 MR. ABT: I still felt that everything that I
9 learned in COTA helped me out because the things that you
10 learn in COTA are extreme. When you are at COTA, they
11 talked to you about inmates doing all of these different
12 things wrong, what inmates are capable of. Well, at SMU
13 they've done it, so you have to be careful .

14 And I learned so much working at SMU that I still

15 carry with me today. I mean I learned how to take clothes
16 off an inmate while they are fully restrained. And I
17 brought that from SMU and I showed people here in Tucson how
18 to do that. I don't know that anyone could ever imagine
19 that you can take clothes off an inmate while they are fully
20 restrained and keep them fully restrained the entire time,
21 but it's a pretty incredible thing to do. So --

22 MR. BURKE: That is pretty incredible.

23 MR. GUENTHER: Why would you want to do that?

24 MR. ABT: Strip searches. Got to put an inmate --
25 maybe a dry cell watch where they may have swallowed drugs
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1 and are refusing to take their clothes off, so you do it for
2 them. And you can do it while they are still fully
3 restrained.

4 MR. GUENTHER: What are you doing now?

5 MR. ABT: I'm a Correctional Officer III at the
6 Santa Rita Unit.

7 MR. GUENTHER: Where?

8 MR. ABT: Santa Rita.

9 MR. GUENTHER: What are you doing? What's your
10 specialty?

11 MR. ABT: Training. I have a caseload. I have
12 about 200 inmates on a caseload, and I have daily contact
13 with them. I deal with if they have issues with the money
14 on their bank accounts, issues with visitation. I'm like
15 their go-between if they are having trouble getting in touch
16 with their attorney. I'm their go-between before they get
17 released, and they need to find a place to live, I touch

18 base with them on where they would like to live, who they
19 would like to live with. I pass that information on to the
20 parole officer and give it to the parole officer. I inform
21 them about different programs that are available through the
22 department. We look at different jobs that are available,
23 what their job skill is, how that can be used to get a job.

24 MR. GUENTHER: You basically are an advocate for
25 the inmate then?

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1 MR. ABT: No.

2 MR. GUENTHER: No?

3 MR. ABT: No.

4 MR. BURKE: Bad term.

5 MR. ABT: Nice try, though. Are you?

6 MR. GUENTHER: Pardon?

7 MR. ABT: Are you?

8 MR. GUENTHER: It depends whether they are coming
9 or going.

10 MR. ABT: I think an inmate is an inmate is an
11 inmate. It doesn't matter. Murderers, stealing, writing
12 bad checks, they all are capable of hurting us. They are
13 all capable of escaping. It depends on how threatened they
14 feel.

15 I worry about my safety every single day that I
16 come to work. I like working for the Department of
17 Corrections. Is it the easiest place to work? No. It's
18 work for me. I have had to make it work for me. I come in
19 with a positive attitude. I think I have done well with the
20 department. I am not disgruntled. I wish some things would
21 change, but because some things don't change I don't lower

22 my level of security for myself. And I try to pass that on
23 to people that I instruct.

24 SHERIFF VANDERPOOL: Any of your fellow employees
25 at any levels have access to and regularly use the staff
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1 resistant vests?

2 MR. ABT: The only place I know where those are
3 available would be at the Level 5 detention units. For
4 instance, at Cimarron there is a detention unit. I know
5 before you enter and have contact with inmates there you are
6 required to put a vest on. At my unit, Santa Rita, we don't
7 have -- we are not required to wear one. I don't know that
8 anybody has ever requested to wear one. It's never
9 really -- I have never heard anybody ask for one.

10 MR. BURKE: Good job. Thank you.

11 MR. VALLAS: Good afternoon. My name is Officer
12 Vallas. I work with the Department of Corrections. I have
13 been with the department since 1999. I came out of academy
14 and went to the Echo Unit, which is the minimum custody unit
15 here in Tucson. I am also part of the Undergarden and play
16 the bagpipes for them.

17 I am not the best public speaker, so I kind of
18 wrote my thoughts down last night. I hope you don't mind.

19 MR. BURKE: No problem.

20 MR. VALLAS: All right. The first problem I see
21 is we have a pay issue. The pay is not comparable to other
22 law enforcement agencies. We lose too many good officers to
23 higher paying jobs at other departments and even into the
24 civilian market. With this high turnover rate our

25 department suffers from we lose the ability to retain 118

1 seasoned officers. Sadly, the difference between a prison
2 that is run by inexperienced officers and not seasoned
3 officers is that there is a good chance the inmates actually
4 run that institution.

5 Actually, about three years ago the department
6 finished a study stating that we needed to get a pay raise,
7 and that if there was no incentive to keep staff, we
8 wouldn't have seasoned officers and there would be a problem
9 ahead. On that we saw that they were going to give us a pay
10 raise.

11 MR. BURKE: Did you ever see that study?

12 MR. VALLAS: Yeah. I did see the study. It was a
13 finished report that came out. It was in our briefing for
14 about two or three days, and then it was all recalled and
15 sent back up to Phoenix.

16 MR. BURKE: It was all recalled?

17 MR. VALLAS: Yeah. They took all of the papers
18 that they had. We actually had it in our briefing for about
19 two days, and then they pulled them all out.

20 MR. BURKE: When was that?

21 MR. VALLAS: I would say about two and a half
22 years ago. They came around asking us about what the
23 problems are with the department, why is the morale bad?

24 And it came up that basically the number one thing
25 they said in the report was that the officers needed to get 119

1 paid better so you can keep the officers. Unfortunately,
2 they didn't go with it.

3 They did do -- the legislature made a small
4 attempt to give us a pay raise. They did put it into law.
5 I think it was like a \$5,000 pay raise, but right before we
6 received it, it was appealed and pulled out because of the
7 alternative fuel fiasco.

8 Another thing is we are hearing about the Lewis
9 Facility runs a Level 2 yard which is similar to Echo. That
10 yard holds 300 inmates with 14 officers on shift and they
11 have the state of the art equipment. Everything is
12 brand-new.

13 Over here at Echo where I work is also a Level 2
14 unit. We hold 460 plus inmates. With that we only have
15 eight officers currently on shift and the equipment if it
16 works is 1960s to 1980s technology and building structures.

17 There could even be a larger problem in the future
18 unless we start upgrading what we have and getting more
19 equipment in there.

20 The safety equipment, the State procurement
21 process procedures really hurt the safety of the officers,
22 and it's really unacceptable. The department must purchase
23 items and bid on them, buying them from the lowest
24 contracting bidders. This should have absolutely no bearing
25 at all on officer safety related items.

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1 We got radios which are fairly decent, but then we
2 went to buy batteries. The batteries are lithium or we
3 would like the lithium batteries. Those didn't come in at

4 the bid price, so we got nonlithium batteries. Well, now
5 all the batteries are dead. They last a half hour. Some
6 last eight hours. Some last 10 hours. Other ones last two
7 hours.

8 Several times I have been on the yard or actually
9 in the control room, the officers come back, turn in their
10 radios and they say it's been dead for an hour. We have
11 CO IIs that come in it's been dead for two hours. I have
12 seen CO IVs, administrators. And the problem is now the
13 officers are becoming complacent with the dead batteries.

14 You know, the captain -- well, the department
15 itself came up with an idea to keep the batteries lasting
16 longer by fully discharging the battery, so now you are
17 sending officers out onto the yard with a battery another
18 officer had. So you are never sure when it's going to
19 crash, but it will crash at some point within two shifts.
20 And there is nothing like being out surrounded by 50 felons
21 and I go to call on the radio something routine and it
22 doesn't work. Now every one of these 50 inmates know I am
23 there without a radio, there is no way I can call for help
24 if I needed it.

25 MR. GUENTHER: Can't fake it?

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1 MR. VALLAS: No. Because it goes beep. It's kind
2 of horrible.

3 Also, there is no incentive to work for the
4 officers. There is two types of officers in the department.
5 You got guys that work and guys that don't. It's just a
6 fact. Some officers do searches, do reports, find weapons,
7 drugs, narcotics, everything they can find. Other ones

8 don't do a thing. There is absolutely no pay incentive. We
9 did used to have merit increases on your work performance.
10 Now there is none. So basically if I offered somebody, some
11 guy \$50 to either dig a hole here or sit down and do
12 nothing, he is going to sit down and do nothing.

13 There is downtime, but the officers don't actively
14 go out and search. Some of them don't. Some of them do
15 just because they like to, but there is no incentive for the
16 officer to actually do something. They could sit in the
17 control room and watch the inmates, do their hourly health
18 and welfare check, go back and sit down.

19 Other officers I have seen go out and actually
20 search and find things, find drugs, try and stop things, but
21 there is no real reason for them to do it except if they
22 want to, which is kind of a shame.

23 Also, we have some, at least I have seen some poor
24 supervisors being shuffled about. It's also with the
25 officers, too, I've seen.

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1 The department seems to be almost hesitant and
2 scared to discipline officers, mostly supervisors, or demote
3 them because they don't want to get in trouble. I've seen a
4 sergeant come over that I mean really shouldn't even be
5 supervising inmates --

6 MR. BURKE: Because they don't want to get in
7 trouble? Or because they are so short on staff they don't
8 have an option?

9 MR. VALLAS: I don't know why they do it. I just
10 know it is. This sergeant was bounced all the through the

11 Florence Complex, came to Eyman, bounced all over Eyman, and
12 then came to Tucson, came to us, and then was bounced out of
13 us. It's extremely frustrating working with some of the
14 supervisors like that. But it happens. And instead of
15 actually getting rid of the dead weight we keep it on almost
16 like it takes an act of Congress to get rid of somebody that
17 really shouldn't be working in here.

18 Poor handling of money when the officers need a
19 pay raise. We got a newly built sally port in the middle of
20 the complex that's only been used and manned once when
21 ex-director Stewart came in for a tour. It's actually
22 sitting idle now for almost a year.

23 MS. MORRISON: What did you say it was?

24 MR. VALLAS: A sally port? A sally port is a
25 large enclosure where a vehicle or people can go inside and
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1 the gates are closed and then one gate opens, lets the
2 vehicle in and then closes it. It's actually in the center
3 of the yard, center of the complex. We have another one up
4 front.

5 MR. BURKE: As far as you know, the only time it
6 was in use was when Director Stewart came in?

7 MR. VALLAS: That's the only time I have ever seen
8 it manned. It just sits wide open. It's right by CDU. If
9 you can drive in, it will be still sitting there wide open.

10 MR. GUENTHER: Before you go on, why is it there?

11 MR. VALLAS: I have no clue. Supposedly what they
12 had planned to do was block off the front so lower custody
13 inmates would be all working fenced off and you would lessen
14 the traffic coming through old main is what was told.

15 Everybody said it wasn't going to work, it was a
16 really stupid idea. I heard it from officers all the way to
17 administrators. However, they still spent either three to
18 six hundred thousand dollars to build this sally port, and
19 every time I drive through there there is my pay raise. I
20 can show you the fence tie I think is mine.

21 MR. BURKE: Is that an assumption you have about
22 the cost? Or do you have knowledge --

23 MR. VALLAS: I have heard anywhere between 600,000
24 to a quarter of a million. I don't know how much actually
25 it was. I didn't see any paperwork.

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1 Another large problem is sometimes we forget what
2 kinds of people we work with day in and day out. Inmates
3 have been placed in our hands to protect the public and keep
4 them out of society.

5 This is sometimes -- or this is something all
6 officers, staff and administrators should always remember.
7 I have seen several security based decisions upon the basis
8 of how upset it will make the inmates. Also, about the yard
9 cleanliness, how security would come first over sanitation.

10 Statewide we usually have no movement during
11 count. Echo is the only yard I have ever seen it they go
12 around and you have inmates on the out count unsupervised
13 walking on the yard picking up cigarette butts. That's how
14 important they have it.

15 Many officers don't actually do a thorough job on
16 searches and other things because if you really rile an
17 inmate, he is going to go to the sergeant, and you are going

18 to look bad because you got an inmate all upset because you
19 actually did the job that you're supposed to do. It
20 happens.

21 MR. GUENTHER: Are you saying that -- I mean
22 yesterday I think it was described as a care bear situation,
23 that the inmates --

24 MR. VALLAS: This would be more like a kick
25 starter. If I get an inmate upset and get him all riled, I
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1 would be labeled as a kick starter. Even though, actually,
2 myself, I probably don't, I am not probably the nicest to
3 inmates, but I am actually quite fair to them.

4 But there are some officers that actually go out
5 and try to ignite inmates. Other officers are actually just
6 doing their job, because they took their TV away, they are
7 going to get upset and yell and scream.

8 MR. GUENTHER: That's the kick starting?

9 MR. VALLAS: That would be kick starting. You are
10 getting the inmate upset, you're getting him riled.

11 I mean it's because a lot of the stuff the inmates
12 look at is this is all ours. Even though it isn't their TV,
13 that they stole it from somebody else and put their number
14 on it, they still look at it as it's theirs. By taking that
15 you are getting them really upset and it just kind of
16 snowballs on down with all of the other inmates.

17 And then of course they go running to your
18 supervisor. The supervisor hears what the inmate says, and
19 then the supervisor comes to me and asks me is this true
20 because they're saying this happened. And I go why don't
21 you ask me? You know, I am the officer, this is the felon.

22 You know, this is the real story. And the supervisors take
23 the word sometimes of the inmate over the officers.

24 MR. GUENTHER: Have you ever been polygraphed?

25 MR. VALLAS: Myself, no, just except for a job
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1 application back in Illinois, but not for here at the
2 department.

3 MR. GUENTHER: Would you like to be?

4 MR. VALLAS: I would rather not. It's pretty
5 neat, though.

6 MR. GUENTHER: Have you had a lot of other people
7 on your unit polygraphed?

8 MR. VALLAS: Not too many with the polygraph. We
9 did have an officer that did bring his cell phone and
10 possibly narcotics, but she was -- I believe she 'fessed up
11 to it.

12 Security device problems. I haven't been to too
13 many different facilities and different units. Most of the
14 time I have spent at Echo. This is stuff I have seen at
15 Echo. We have a nonfunctioning fire alarm system that's
16 been down for three years. Doesn't work.

17 MR. BURKE: Where?

18 MR. VALLAS: Over at Echo. It's probably
19 statewide rampant, too. I am sure if we have the problems
20 most other units have them, too.

21 MR. BURKE: Do you know if there is visits by the
22 fire marshal?

23 MR. VALLAS: There was one. I heard they
24 condemned one of the buildings, but we still use it. I

25 don't know if it actually was condemned or not, though.
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1 Cameras, they are not fixed. New cameras aren't
2 put up in blind spots due to the cost.

3 Echo has been waiting for a fence to separate the
4 tents, which is 200 inmates to separate them from the rest
5 of the yard in case there is a problem. We have been
6 waiting for that for about four years now.

7 There is a section of 100 feet perimeter fence
8 between administration and the visitation area in the actual
9 yard. It doesn't have any razor ribbon on top of it. An
10 inmate can climb over, go right over it and come right into
11 the back of Echo control and surprise the officers and take
12 the officers by surprise.

13 There is a lot of stuff that can be fixed that it
14 shouldn't cost that much and it should get done.

15 MR. BURKE: Is there a system where you can
16 provide that in writing to superiors for action?

17 MR. VALLAS: Work orders. There is work orders,
18 but you put in a work order for a lightbulb, it gets
19 replaced like six months later, and that's because they took
20 out the wall.

21 MS. MORRISON: Have you put any items on work
22 order?

23 MR. VALLAS: I did talk to the supervisors over at
24 Echo about all of this. The cameras I know there is an IR,
25 actually, an information report I wrote about it and a work
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1 order. But everything else was just brought up to
2 supervisors.

3 Echo, we don't have any actual weapons. We don't
4 even have a Taser gun on the yard. So if anybody wanted to
5 come into control, the only thing you are going to have to
6 fight them off with is a little can of Mace we carry.
7 That's about it.

8 MR. BURKE: Do they use Taser guns in all of the
9 facilities?

10 MR. VALLAS: Some of the facilities do, mostly the
11 lockdown facilities. But I would think control rooms would
12 be a great place to actually keep one in case it's needed on
13 any level, on any yard.

14 D-Level staffing. The State came up with this
15 wonderful idea called D-Level staffing. Basically it's the
16 minimum number of officers needed to run a yard.

17 We now are into a period that we are actually
18 looking at that minimum number is what we run with. It's
19 now the normal. So we have like no staff. It's really hard
20 to actually get anything done.

21 Other complexes have larger staff. Like Lewis,
22 Florence, you have a building that's similar to Cimarron
23 they may have 70 officers over there where Cimarron comes in
24 with 23. Identical units, it's just completely different.

25 Just like I was talking about with Lewis, they got
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1 14 officers for 300 plus inmates. We got 460, but we only
2 have eight officers. It kind of needs to get leveled out or
3 at least start getting more people. That's the most

4 important thing.

5 I think we should bring up the D-Level postings
6 and then also hire 20 percent extra officers just to staff
7 and actually run the institution correctly the way it should
8 be run.

9 We have overworked officers. Several times it's
10 hard to take vacation or annual days just because we don't
11 have the staff. I have been called in with 100 degree fever
12 when I called in sick because there was nobody to cover. I
13 had to be there. It's just really hard to take time off a
14 lot of times.

15 Major problems, also, with the state legislature.
16 It seems private prisons are looked at as the big new plan
17 to save Arizona from its overcrowding problems. By sending
18 only nonviolent, low drug score, low sex score and low
19 mental health score and low P and I score inmates to those
20 facilities, what are we left to deal with? Only the higher
21 inmates, the worst of the worst.

22 Basically not only does this make a problem for
23 the department, but also for the staff working for the State
24 also gets demoralized because we see our jobs getting harder
25 and harder, all so somebody else can make a dollar. We

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1 can't get funding to do the job we need, so why do they pay
2 somebody else to do the job we should be doing?

3 MR. BURKE: Have private facilities tried to
4 recruit you away?

5 MR. VALLAS: I have talked to one before, but I
6 decided to stay with the State, but I have talked to them,
7 yes. I think it was the CSA or the small one up in Florence

8 up there. I talked to them.

9 How are we going to get actually fully funded when

10 we send all of these inmates out? Every time there is a

11 riot we have to pay for it. Every time that there is an

12 escape, they escaped out of Texas, we have got to pay money

13 for it. The transport for the inmates back and forth we

14 have to pay for it. We are losing so much money I am

15 absolutely certain on these private prisons that we can

16 actually be using here to build our facilities better.

17 We have so much land here in Arizona, and if we

18 start building the actual prisons in populated areas of

19 Arizona, that would help tremendously, and we wouldn't have

20 to be sending out everybody else. It costs so much money.

21 I know ex-director Stewart had a private prisoner

22 escape. They sent us a bill I heard rumor for \$30,000 just

23 for his manpower to find it. But it wasn't his fault and

24 the officers there. Why are we paying that? There should

25 be no reason.

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1 I do hope this panel actually looks at the

2 problems with the department. There are several problems.

3 We had a chance actually to fix it by following that first

4 report I talked about where they asked to give us a pay

5 raise. They didn't.

6 Obviously it happened up in the tower. If we had

7 more seasoned officers on the yard, I truly believe if it

8 was a seasoned officer inside that tower, the facts might

9 have been completely different.

10 The best thing I can say out of the whole incident

11 was if we do look at it, the kitchen officers over there at
12 the Morey Unit actually are the ones that stopped this.
13 This was an escape attempt. They did not actually leave our
14 custody. So on their behalf, actually, they did a real good
15 job at trying to stop it. Of course, that they penetrated
16 the tower was horrible, but we did stop the actual escape.

17 I thank you guys for your time, and I hope
18 everybody keeps the injured officers and their families in
19 their minds and prayers.

20 MR. BURKE: Very well done.

21 MR. VALLAS: Any other questions?

22 MR. GUENTHER: I have just one.

23 MR. VALLAS: Yes, sir.

24 MR. GUENTHER: That is we have with regard to
25 other committees that you've testified before --

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1 MR. VALLAS: Not actually testified before, but it
2 was more of surveys that would come around and they would
3 take all of the information and put it down and send it,
4 like the pay raise. I have never actually been in front of
5 a full committee.

6 MR. GUENTHER: I guess what everybody should know
7 here this is the first committee that this Governor has ever
8 put together. And when I went to work for this Governor,
9 actually, I was in the legislature when she was elected, but
10 what she had told us was that she had one major goal was to
11 rehabilitate and revive the Department of Corrections --

12 MR. VALLAS: That would be welcomed.

13 MR. GUENTHER: -- to make changes and to make
14 those changes so that the working environment was better,

15 that the safety was improved and that one of her major
16 concerns was morale.

17 And so I would just say to those who are here, you
18 know, I mean they went out and solicited nationwide to find
19 a director that was progressive. And they hired the
20 progressive director for the sole purpose of making change.
21 And that's what the Governor wants to do, and that's what
22 the Director has told me she wants to do, and that is what
23 this Commission hopes to be able to contribute to.

24 MR. VALLAS: I'm sure you have the support of
25 every officer in trying to change the department.

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1 MR. GUENTHER: So give us a chance.

2 MR. VALLAS: We definitely will. Thank you so
3 much.

4 MR. BURKE: Thank you, sir.

5 MS. GERKOWSKI: My name is Debbie Gerkowski. I
6 have been with DOC 10 years. I started at SMUI, and by the
7 way, that gentleman that was here is probably one of the
8 finest officers, sergeants, I have ever had the privilege of
9 ever working with.

10 MR. BURKE: Which one are you referring to?

11 MS. GERKOWSKI: Abt. He is one of the best.

12 I know a lot of people have been doing a lot of
13 complaining, and I have my issues, but I also want to put
14 out suggestions because you always hear the negative.

15 But one of the most interesting things is I am all
16 in favor of what I have been hearing the new director
17 saying, and I have also had good experiences with DOC, and I

18 have been rewarded for that.

19 But an interesting thing happened to me last year
20 in 2003. I spent the day with Director Stewart because I
21 confronted him in a meeting and asked him what does he do
22 every day and what does he say to our legislators and how
23 does he speak for us because so much of the staff were
24 saying he doesn't do anything.

25 So the interesting thing in a meeting I sat with
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1 him and Deputy Director Ryan at the time, and he told me he
2 was adamantly against privatization and that we needed a
3 strong director against privatization. And so now I see in
4 all these newspaper articles he is badmouthing our director,
5 he is saying all of these negative things. He is probably
6 the one that approved the plan for the Lewis Complex. It
7 was under his reign.

8 So I have just been finding all of this very
9 ironic. I just wanted to bring that to light, that I was at
10 a meeting with him and Ryan, and he was really pumping how
11 we needed a strong director against privatization.
12 Unfortunately, I learned a great deal from that now because
13 I sort of liked the guy and I lost my respect for him after
14 hearing what I have been hearing.

15 To reiterate, sanitation seems to be a notch above
16 security in my 10 years. There is times I am busy picking
17 up cigarette butts because we have a tour coming and
18 meanwhile somebody could be getting stabbed a few feet away.
19 So I am very into sanitation. I am an obsessive-compulsive
20 clean freak, so I love sanitation. I like being clean. But
21 we do need to know when there is a time and a place for it.

22 MR. BURKE: Your discussion and your colleagues is
23 about sanitation requirements to be conducted by the
24 employees and not the inmates?

25 MS. GERKOWSKI: The inmates do their job, but we
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1 are always right there right behind them. And when you are
2 running the labor crew, I am also one of those that believes
3 in showing, working by example, and instead of yelling at an
4 inmate that's 20 feet away that there is a big cigarette
5 butt right here and the wind is blowing, I walk around with
6 my own can and pick them up. Because half the people that
7 are throwing cigarette butts are our staff. And their big
8 thing is, well, it's job security. Well, excuse me, but I
9 don't need to be making 10 cents an hour picking up your
10 cigarette butts. But by the time this inmate comes back
11 over to pick it up it might have blown away.

12 So I feel they see me out there, I'm showing them
13 how to do things. I believe in working and showing how to
14 do things and not being too good to do it.

15 But there are times that I also wished we would
16 change our policies of smoking. We have an open unit. At
17 Cimarron when a work crew would clean an area they knew
18 nobody was going to go through there because it was a closed
19 yard.

20 At Echo they are out, 450 of them all the time.
21 You just get through cleaning an area, they are walking
22 right through. We should have designated areas. I asked
23 Meg Savage when she was on tour if we could have it. She
24 goes absolutely, we have them at other units, at other

25 complexes in this state, you guys can do it.

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1 When it's been brought up to our deputy warden,
2 they don't want to make the inmates upset. We need to have
3 a designated area so that area is the area that they're
4 smoking, and if they're outside of it, they get tickets,
5 they lose their smoking privileges. Why not, you know, if
6 it gets out of hand, you take away their smoking in the unit
7 for a week, you know.

8 It should be a privilege. And we should be
9 teaching the inmates that things like that are privileges,
10 not rights. So that might help the sanitation issues.

11 Also, the promoting. Like I gave sergeant,
12 ex-sergeant Abt C0 III a compliment, there have been some
13 very marvelous supervisors in my career, and there have also
14 been some very poor ones. And I am definitely adamant
15 against the way the promotion thing is.

16 Some people can take tests and talk the talk in an
17 oral board, but they need to look at job performance. We
18 have had people that are promoted that have been under
19 investigation, that have got in fist fights with staff, that
20 have pulled all sorts of stuff in their career, but they are
21 wearing sergeant stripes or lieutenant bars or captain
22 stars, and nobody seems to look into their backgrounds.
23 That ought to be right up there with they tested well on a
24 test, but you ought to look at their backgrounds. What kind
25 of an officer are they? What kind of predicaments have they

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1 gotten themselves in?

2 Also, I feel that the standards of COTA even in my
3 10 years have definitely been lowered. You are seeing a
4 different type of person coming out of COTA. Some of them
5 can barely walk the track.

6 MR. BURKE: Because of the way they went into COTA
7 and who they are or because of --

8 MS. GERKOWSKI: They are lowering the standards.
9 You know, you used to have to do -- I have even talked to
10 some of the light duties around, but maybe you had to do so
11 many sit-ups and push-ups at this age, but now they have
12 lowered it. You don't have to do as many or whatever.

13 They give them a lot more chances to pass a test.
14 So I know we are short of staff, so that would happen, but
15 unfortunately, you are not going to get the cream of the
16 crop.

17 As far as the thing that happened in Lewis, I
18 don't know if it's been brought up, and I know it's going to
19 cost more money but because you have people that are
20 complacent with IDs, I don't know, retina scans or
21 fingerprint pads, all of that high tech, 007 stuff.

22 MR. BURKE: Have you ever worked in a tower?

23 MS. GERKOWSKI: Oh, yes. Cimarron.

24 MR. BURKE: How long were you employed before you
25 worked in the tower at corrections?

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1 MS. GERKOWSKI: Well, SMU was in the first few
2 months.

3 MR. BURKE: First few months out of COTA?

4 MS. GERKOWSKI: Uh-huh, yeah. That's where I
5 went. I was scared to death.

6 MR. BURKE: First few months out of COTA you were
7 placed in a tower?

8 MS. GERKOWSKI: Yes.

9 MR. GUENTHER: 1991. Did you have senior,
10 experienced people with you in the tower?

11 MS. GERKOWSKI: No. You are by yourself in the
12 towers at that time at SMUI. I don't know what it is now.
13 And at the tower at Cimarron for rec I was just hoping to
14 God nobody would go over the fence.

15 You know, everybody always says I could never
16 shoot anybody, but somebody explained it to me one time what
17 if somebody escaped and while you are here at work they
18 escaped and they go to your house and your kids are just
19 coming home from school, and they rape and kill your kids,
20 would you shoot that person to stop them center mass? And I
21 said you're damn right I would.

22 So that's what I would always have to think about,
23 But I wouldn't -- it's not something I would prefer.

24 And so then they started getting people that were
25 more interested in it.

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1 MR. GUENTHER: Were you AR15 certified when you
2 were in the tower?

3 MS. GERKOWSKI: Oh, yes.

4 MR. GUENTHER: So you were AR15 certified right
5 out of COTA?

6 MS. GERKOWSKI: You had to test up there -- they
7 didn't test you at COTA -- when you got to the certain units

8 that used the rifle.

9 MR. GUENTHER: I see.

10 MS. GERKOWSKI: And I wasn't near as proficient
11 with a weapon. Eventually one year I made expert, but it
12 was after a few years. Then they started doing what I
13 thought made a lot of sense. A lot of guys really liked
14 shooting weapons, and they would go out and they would
15 qualify, and they would take a handful that would be just
16 the tower.

17 I think it makes a lot more sense for people that
18 are much more better and proficient at their weaponry and
19 stuff than people that are a little more gun shy and not as
20 knowledgeable about that.

21 That saved some money, also, not having to -- we
22 used to have everybody on the unit go shoot the rifle, and
23 now it was just a handful that did it.

24 MR. BURKE: About when did that change?

25 MS. GERKOWSKI: Quite a few years ago, maybe five
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1 years ago, six years ago.

2 You know, a lot of people keep saying that the
3 reason the thing happened in Lewis is because they were new,
4 and I don't necessarily think so.

5 When you're in that tower, and I don't know if
6 they had a camera or what, but we have so many cross levels,
7 so many overtime, I have been around for 10 years and I
8 don't know some of the faces in here, you know. You go to
9 training, you know, and there is people come in our yard
10 because they are cross level, they are working overtime, and

11 you don't know if you had been an experienced officer
12 working 10 years if you would have recognized who that
13 person was. For all you know they could have been an
14 overtimer or cross level. So it's not necessarily because
15 you are a new officer.

16 And believe you me, I know plenty of officers who
17 have been in this department 10 or 15 years and are far
18 lazier and complacent than a new one out of COTA ever was.

19 MR. BURKE: When you were in the tower, were you
20 trained not to buzz someone in just because they showed up
21 at the door?

22 MS. GERKOWSKI: Yeah. You are supposed to holler
23 down, and you are supposed to acknowledge who they are, look
24 up. If that guy that night would have been a wearing a
25 baseball cap, I mean a lot of people wear caps, you are

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1 supposed to when you are working in the kitchen anyway wear
2 a net or a cap, so I don't necessarily think it was just
3 because they were new officers that that all happened that
4 way.

5 There is an officer, I am not going to take credit
6 for this idea, but an officer that I have worked with for a
7 lot of years at Echo that thought that we ought to do an
8 officer exchange with Lewis because there are so many on a
9 temporary basis, you send some of those new officers to a
10 nearby complex, Florence, Perryville here, a week or two,
11 let them see how a custody level is supposed to be run.
12 Have some of our officers more seasoned go up there for a
13 week or two and do like an exchange. And that way you can
14 get some salt and pepper experience in there and get these

15 people down here because so many of these people came right
16 from COTA and that's where they went.

17 But Officer Calvino thought that would be a very
18 good idea to have like an officer exchange for a few weeks.

19 Also, he thought you ought to disband a lot of the
20 inmates at that complex, especially at Morey Unit, and send
21 them to different places around the complex and sort of
22 break up that population and send new ones in.

23 MR. GUENTHER: That is a segregated population,
24 Morey.

25 MS. GERKOWSKI: Well, you can get different
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1 custody levels that would fit right in.

2 MR. GUENTHER: If we were to break up the
3 segregation units that are there, it is a segregation unit
4 for the entire prison system. Do you think we should be
5 able to move them into other units?

6 MS. GERKOWSKI: You have got Tucson complex,
7 Douglas, Yuma, Florence, Eyman.

8 UNIDENTIFIED STAFF: Is that all sex offenders
9 there or what is it?

10 MR. GUENTHER: No, it's not.

11 UNIDENTIFIED STAFF: That particular unit is
12 protective custody and Level 5. So you got Level 4 here.
13 How are you going to send a Level 5 to a Level 4 even though
14 we do have them in Level 3 units?

15 MS. GERKOWSKI: That's the point. We do have
16 them.

17 MR. GUENTHER: We have all levels at that unit.

18 MS. GERKOWSKI: There was a film I saw last month
19 called Correction. It was at the Loft. And I was there. I
20 saw the viewing of it, and PBS was there, and they had
21 question and answers. Mr. Hallahan was there, and
22 unfortunately me and somebody else were the only officers in
23 the audience.

24 Most everybody in the audience were family members
25 of the inmates. And the film really came off looking bad

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1 for officers. And I don't think they should have -- I can
2 understand the mentality of them following the troops and
3 seeing what they go through, but it would be really
4 beneficial if they followed people that had been doing this
5 for awhile and do it well.

6 MR. BURKE: A PBS production?

7 MS. GERKOWSKI: No. It was a professor at the
8 University of Arizona had done this big study and had
9 followed these three or four cadets through their --

10 UNIDENTIFIED STAFF: It was on Channel 6.

11 MS. GERKOWSKI: Yes. I was there the night they
12 aired it there. And they did a question and answer
13 afterwards. But there were some people in the audience that
14 became very irate about what they saw. It would be very
15 interesting for you all to see it. It was called
16 Correction.

17 And Mr. Hallahan says you have a copy at COTA. He
18 told me you did.

19 A big thing about sort of what's going on at a lot
20 of units is you hear the old timers, they call themselves
21 convicts, are having a real hard time with these new inmates

22 that are coming in because they have no -- they have no
23 scruples or anything, and they don't want to go by any
24 rules.

25 The older inmates say, well, we're convicts, and
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1 we would like to teach them respect and how to go about
2 things, but you have a whole lot of hotheads coming in. So
3 that creates even more tension and violence.

4 And on that same note, being a Tucson native, I
5 have had tons of principals and teachers and the law
6 enforcement people that work at the high schools approach me
7 when my daughters were in high school saying why don't we do
8 a scared straight program. We need to get these kids into
9 the prisons and maybe you could curtail it.

10 I was in Wyoming for awhile, and I was supervisor
11 of a juvenile detention facility. Every summer we took the
12 kids from 12 to 18 to Rawlins State Penitentiary maximum
13 security, and they call it TILIS, Tell It Like It Is. We
14 spent all day there. They toured it, and these guys told
15 them what they were in for. And at the end they had a round
16 circle of getting on to them. The inmates got to know me,
17 and they talked to me about these different kids' problems,
18 and it would scare the heck out of them. If we could get
19 through to one of them, we felt that like we had done
20 something. We even took them to the women prison one year.

21 But I watched the anniversary special on the
22 scared straight thing, and there was a lot of success that
23 came out of that. Almost all of the kids had straightened
24 up. I think only one of them went bad. And a lot of the

25 inmates had become successful and were out of prison. There
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1 were always a couple that didn't do well.

2 But I have got people in my community that have
3 teenagers and kids that are prepubescent and are wanting
4 something to be done. But I know with all of the crimes in
5 prison we are worried about the responsibilities and
6 everything.

7 But there are a lot of people out there, citizens
8 that don't have people in prison yet or don't work for
9 Department of Corrections would like to see their kids get
10 an eye opener and have a couple of inmates come and talk in
11 the classroom like it was done years ago. It does not paint
12 the picture like it really is.

13 So juvenile crime is really rising, and I think
14 that would help our prison population.

15 We should have a longevity raise. In the 10 years
16 they did step raises for awhile. They did merit raises.
17 And I was kicking butt so good and doing so well I was
18 making more money than people who had been in here 15 years,
19 but I did a hell of a lot more than they did.

20 I will be honest with you. They wanted to sit on
21 graveyard and not do nothing that was there. I wanted to
22 get in the middle of property. I wanted to do this. I am
23 not a lazy ass, so to speak.

24 But there are people in every profession, though.
25 It's not just the State employees. Every job has them. So
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1 you can't get rid of them. But you should reward those that
2 are more assertive and more go-getters. And also like in
3 the military, every two years you get a longevity increase.
4 So you know, everybody that's an old timer thinks that they
5 just want to reward new people because they know they're
6 going to leave and they don't want to spend all of this
7 money on our retirement and all of this, but longevity and
8 experience can be a real key factor, and having all new
9 people is definitely not the way you want to go.

10 The biggest thing is that Lewis Complex should
11 have never been built there. We are not ready for that.
12 It's out in the middle of nowhere. It's beautiful, but
13 everybody has to drive an hour or more to get there. It
14 creates sick call problems and morale, and what a life.

15 I mean when I used to work at SMU it was at least
16 an hour and a half to get up there, maybe two. And if
17 something happened and you had to be held over -- Lewis
18 Complex should have never been built. Maybe in 10 or
19 20 years when the populations of the towns got closer, but
20 granted, nobody wants their prisons in town, but at least
21 this one was on the outskirts of Tucson. It wasn't that far
22 away. It's not our fault that all of these people bought a
23 home and built next to it.

24 So they should have never built it that far in the
25 middle of nowhere in the first place.

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1 There is a big abuse of comp time in this
2 department. And it's not the comp time working the post.
3 It's people staying over because they want to earn a little

4 time to pay for some toy they recently bought. I can give
5 you names right now of people that have abused it. And it's
6 supervisors, too. And it's all their dipping into this
7 pool. They say, well, nobody is really using -- they are
8 not using that money, it's just going into that, we can use
9 it. People want to come in early to earn comp time, but
10 they don't work. They are in there smoking cigarettes,
11 eating bonbons and chewing the fat.

12 Comp time needs to be looked at. If you are not
13 working a post or the plumbing didn't just bust in the
14 kitchen and you are there trying to fix it, people shouldn't
15 be allowed to be earning comp time for no reason. If it's a
16 shift, that's one thing.

17 And I talked to Mr. Hallahan that night, and he
18 told me he agreed, and it said it was rampant in this State,
19 it's going on in every complex. People are abusing comp
20 time. There are people that have 400 hours plus, and I
21 guarantee you that half of it was legitimately earned. I am
22 angry about that as a taxpayer. That is my biggest beef.

23 And I think that's it. Thank you very much. I'm
24 sorry this committee had to come together for the reason
25 that it did. I have been involved in I don't know how many

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1 surveys, the Utah survey. I stayed here one night until
2 9 o'clock because I was always a part of this. I try to be
3 assertive. I can't change the world. But I like to help
4 and change my part of it. I don't want to be negative. I,
5 too, try to be positive. I felt bad what happened up there.

6 I got angry when I heard staff saying, hey, it was
7 a bunch of new people. How could they let the man go? And

8 I said, you know, we are trained to be officers, we're not
9 male, we're not female, and they could be sexually abusing
10 that man just like her, and you guys should not be passing
11 judgment on what happened up there.

12 So I'm always one of those that gets my head
13 reamed once in awhile because I try to stick up for the
14 State sometimes. But my biggest beef is the abuse of comp
15 time going on in the State. The taxpayers are paying for
16 it. I don't care what fund it's coming out of. It's coming
17 from somewhere. Thank you.

18 MR. BURKE: Can I ask you about your comment about
19 the Lewis Complex? There have been also some comments made
20 that it grew too fast, too large and too fast. Do you have
21 any thoughts on that?

22 MS. GERKOWSKI: Well, I know for a long time there
23 were a lot of units that weren't even open, so I don't know
24 if it grew too fast. For a long time there was just one
25 unit open. And it's not like all of them opened at once.

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1 It was a gradual thing. But they couldn't get anybody to
2 work out there.

3 I mean for two years every other Saturday I worked
4 a double at Eyman or Florence Complex. We were saving for a
5 house, cash was available up there. It wasn't here. I went
6 up there. Then they started asking me if I wanted to go to
7 Lewis. It was too far. We had a lot of staff doing it,
8 spending the night. From what I know, I don't know the time
9 span of how long, but I do know they weren't all opened at
10 once. It was definitely gradual.

11 SHERIFF VANDERPOOL: You mentioned about the
12 promotional process. Is there a file review?

13 MS. GERKOWSKI: I don't think so. They take a
14 written test. If you pass good on that, then you get on the
15 list and you do an oral board. And if I can sit here and
16 quote policy to you, this is my thing. When you are testing
17 for another promotion, you don't know that job. I'm going
18 to find -- if I become a sergeant or a CO III, I'm going to
19 find a mentor, somebody like Abt or some of the other people
20 that I could rattle off names, and I'm going to learn from
21 them. I'm going to have questions, and I'm going to learn,
22 but to come in here and sit before an oral board and know
23 all the answers, how can that be right?

24 And for you not to look at my background, for all
25 you know I am always calling in sick, I may have gotten in
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1 trouble and been under investigation for numerous things.
2 To my knowledge they never -- and I talked to Director
3 Stewart about it when he was the director, and he said yeah,
4 we need to probably change that.

5 Your work performance should matter for something,
6 and it doesn't. Just if you can take a test and talk the
7 talk up here.

8 MR. BURKE: Thank you very much.

9 (Whereupon a recess was taken from 3:35 P.M. to
10 3:53 P.M.)

11 MR. BURKE: Could I go over the schedule real
12 quick? Let me just before we start let me kind of go over
13 the schedule. It is five minutes to 4:00 right now. We are
14 going to go to 4:30, and then we are going to have to leave

15 because there is some commitments folks have in Phoenix. I
 16 understand there is around nine folks that still would like
 17 to go. So then we will be quick with our questions, but
 18 please take advantage of putting anything in writing and
 19 then the e-mail, too, for any comments that you feel you
 20 won't be able to make today because we are just running out
 21 of time.

22 MR. LISKA: My name is Joe Liska. I have nine
 23 years with the department. I started at the Lumley Unit,
 24 San Juan, back in '94. Officer Lumley, who was stabbed to
 25 death, was a personal friend of mine. Shortly after that I
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1 transferred over to the Cimarron Unit, and now I am at the
 2 Rincon Unit.

3 You have heard a lot of talk about Rincon Unit.
 4 And as far as dirty stuff and stuff going, I saw the
 5 sheriff, the look on his face when somebody mentioned stuff
 6 were bringing in a cell phone to give it to an inmate or to
 7 sell it to him. These things I have been told are
 8 happening. We don't have evidence. That's something for
 9 investigations and stuff, but these things do happen.

10 And all I can say is that we need to be a little
 11 bit more stricter about your background checks. We need to
 12 have a better pay package that will attract people.

13 I am from California. I am from San Diego. But
 14 if you go to California Department of Corrections,
 15 immediately when I go back home, they go, oh, wow, you got a
 16 job with the Department of Corrections, that's so hard to
 17 get over here in California. They are POST certified over

18 there, and people talk highly of the Department of
19 Corrections over there in California. They are well paid,
20 and they are professionals over there. And some of us here
21 are, too, a lot of us are. But we need to create a better
22 pay package to attract people with more experience, with
23 morals.

24 And it's disgusting what I've seen on the Rincon
25 yard. We have had some issues with staff. They have made
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1 comments about my yard being the red light district, female
2 officers sleeping with inmates. I mean these are just
3 allegations, but these things do happen in prison. And I
4 think that if they offered a better package and brought out
5 the better people we can have a better place here.

6 As far as how the prisons run, I had an Officer
7 Bungard, a partner, a good friend of mine, he was assaulted
8 there a couple of years ago. They beat him so bad he had
9 some head injuries. He was taken off the yard in an
10 ambulance, and we didn't lock down the yard or anything.

11 You know, there is certain inmates you can't
12 reason with them. You got to hold them accountable for
13 their actions. And if you are not going to lock down a yard
14 after you take one of your own off in an ambulance, that's
15 pretty sad. I mean we are not trying to punish them as a
16 whole, but you know what, we have to send a signal to them
17 that that kind of behavior is unacceptable and not to lock
18 down a yard after you take one of your own off in an
19 ambulance, it's pathetic, it's sad.

20 When I first came to the yard, we had a few sex
21 offenders on the yard, and just little things like I had a

22 serial rapist doing life, and he was raking leaves by the
23 fence line at 5 o'clock at night doing extra duty and just
24 getting ready to get dark. And I'm saying you know what, he
25 has no business being near a fence line with a rake and he

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1 is doing life for rape. He has no business being out at
2 5 o'clock at night on an extra-duty crew raking leaves.
3 It's ridiculous.
4 And I find myself voicing my opinion to my
5 supervisors. And I know we're not supposed to -- they don't
6 tell us -- we're not supposed to know what inmates are in
7 there for. It comes through the grapevine. You find out,
8 hey, that guy is a rapist or whatever. A rapist has no
9 business -- this guy came from a Level 5 yard, on good
10 behavior he was reclassified to our yard, good behavior,
11 sitting in a cell for 23 hours, and he is on good behavior.
12 He is not doing anything. Then he gets reclassified to our
13 yard, a 4 yard, and now he is wandering around with a rake
14 in his hand by a fence line, and he is doing life for rape.
15 He has no business even being out there with a rake.

16 And I know there is a lot of inmates we don't know
17 about that are out there doing extra duty raking leaves up,
18 and this cleanliness part is a big deal, but you know what,
19 I think that that should happen during the day shift when we
20 have the majority of the staff around.

21 And things like that are what irritate me. And
22 anyhow Bungard, that whole incident where he got assaulted,
23 he is no longer with the department. We didn't lock down
24 the yard.

25 Then a couple of months after that -- it sends the
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1 wrong message to the inmates because they felt that if they
2 assault one of us, nothing is going to happen. So I go and
3 behold a couple of months later Sergeant Gregory gets
4 jumped, and they try and stab him. And then the yard is
5 locked down.

6 We are getting to the point again where I am not
7 feeling comfortable with our staffing because we are losing
8 bodies and stuff. And we are getting right back to the
9 situation here where Gregory and Bungard were both
10 assaulted. I am not comfortable with my surroundings, with
11 the staffing that we have, and the majority of my staff are
12 all new on the yard, me with nine years.

13 I would like to promote and move on to other
14 things, but sometimes I feel like I'm being overlooked
15 because they don't want to lose any experienced staff in the
16 trenches. And I have done nine years on swing shift in the
17 trenches. I have gone nowhere else. I don't work support
18 services. Day in and out I work with inmates. Rincon has
19 got -- we have no control panels. We have to manually key
20 every door. We have to shower 80 to 90 inmates every day.
21 We have to manually key every door, go down there, go down
22 the run. My partner has got to let me down there, I got to
23 pop the door.

24 Cimarron has got panels where they can pop and
25 access it from the control room, but their equipment is
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1 really old and outdated at Rincon. It would make it better
2 as far as officer safety and stuff if we can have more
3 equipment, stuff like that.

4 Let's see. Also, as far as that one parole
5 officer was touching on drug treatment programs. A lot of
6 these guys we see it every day here, these guys are getting
7 busted with dirty UAs. We're busting guys with syringes of
8 heroin. It's just an ongoing thing. It doesn't seem like
9 anything is even working.

10 What I suggested or I had heard was like six
11 months prior to their release if you know they've popped
12 dirty for heroin, put them on six months prior to their
13 release put them on some sort of program. I heard there is
14 a program where they can put something in a guy's arm where
15 he can't -- if he shoots dope up, it blocks the signals, and
16 it kind of like forces him to go clean or something. But
17 some sort of six months prior to release if the guy has got
18 dirty UAs and he has been busted for doing heroin, we need
19 to get him right then and there before he goes out, so he
20 doesn't go out and kill a Circle K clerk because he needs a
21 fix or something.

22 But just overall to make it short we need to
23 attract, you know, we need a better package so that we can
24 attract better people. Really, it's the bottom line.

25 I'm not going to -- as far as the dirty staff,
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1 Mr. Flanagan only has so many people that he can work with
2 within the pool. He is going to give some guys some chances
3 if they had some inappropriate behavior, but he doesn't

4 really have much to select from. We are having a hard time
5 getting bodies to work here. Nobody wants to work here.
6 These are misfits of society. It's the cess pool of
7 misfits. Who wants to work in here?

8 It takes -- in here it's like who is going to rise
9 above the occasion? Who is going to rise to the top and
10 show people? You know, who is going to lead here? Who is
11 going to step forward and lead in this place? And a lot of
12 people, a lot of my partners are alcoholics. They have
13 problems. They can't handle the stress. And you know, you
14 got to wade through all of the dirty staff and the good
15 staff, and it's not an easy job. Like I said, it's just who
16 is going to rise above it all and try and take care of
17 business?

18 And the warden, he is aware of what's going on.
19 And like I talked to him about the promotional thing. I
20 think they should just do straight oral boards and put the
21 people -- the warden knows who the workers are here. He
22 knows who the people are that get along with everybody, that
23 can do their job, they get along with inmates, they don't
24 clash with staff.

25 They need to just open up the oral boards, and he
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1 needs to place these people to let them do what they are
2 good at doing and put these people out there. And then
3 other people will follow because they will see, hey, look at
4 this guy, he promoted, we know he is a good guy, this and
5 that. They need to change something there.

6 But basically that's it. You have got to get all
7 of these people in here. Do you have any questions?

8 MR. GUENTHER: No.
9 MR. BURKE: Thank you, Officer.
10 SHERIFF VANDERPOOL: Thank you.
11 MR. PROCTOR: My name is Officer Proctor. I have
12 got 19 and a half years of experience. I have got 16 years
13 counting as far as retirement goes.
14 Everybody has covered all kinds of subjects I
15 won't go into. The one thing that I want to talk about is
16 complacency. I have been a very complacent officer, and I
17 have been very gung ho, and I have been back and forth.
18 The one thing I've noticed that seems to make a
19 difference is having a supervisor that I respect and that I
20 know is there for me. I have had some good supervisors. I
21 have had some good wardens, example, Nelson, Robert Sona. I
22 have had some good captains, other ones that I worked for.
23 These were men with integrity. They made a difference.
24 And I have had some other ones that were very
25 childish and had personal little vendettas that went around

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1 trying to carry grudges and get even with other supervisors
2 where you had to be on one team or another against, very
3 childish. In my own estimation and my own view this was a
4 standard set by Lewis and Stewart.
5 I, myself, saw Lewis doing something very
6 childish. I have heard stories about Stewart doing things
7 very childish. I would like you to look into the ownership
8 of the land that Lewis is built on. I don't know. I have
9 heard rumors, and I can't say. But I do know one thing,
10 that what I did see and what I saw them doing as far as

11 supervisors created a type of supervision that led to
12 engineered ignorance and organized chaos rather than trying
13 to fix the problem, try to fix the blame.

14 We have got some good supervisors. And we have
15 some piss poor ones. And I don't think it's that hard to
16 see the difference. Okay.

17 MR. BURKE: Where did you hear about the land that
18 Lewis was built on?

19 MR. PROCTOR: I have just heard bad rumors that
20 they really bought the land because maybe Stewart owned it
21 or Lewis had interest in it.

22 But I do know that the kitchen workers before
23 Lewis changed it, we had a good, a better kitchen system
24 here with better food. We had one guy in there that was a
25 guard, well trained, and he had less inmates to work for
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1 him. He didn't have all of the keys. He just ran the
2 kitchen. And the inmates had to really kiss up to him in
3 order to keep their jobs. He had power. He could fire,
4 hire.

5 These people we have here now have very little
6 power. In fact, they are intimidated by the inmates that
7 more or less threaten them, hey, if you don't let us have
8 our way or anything, we will make you lose your job. And
9 this is so.

10 But as far as what I know about Lewis and Stewart,
11 I did see childish things, and I do think that they promoted
12 childish and stupid leadership.

13 I'm done. Somebody else here has got some
14 important things to say.

15 MR. BURKE: That's very helpful. Thank you.

16 MR. GUENTHER: Thank you.

17 MR. RUIZ: Albert Ruiz. I think everyone covered
18 pretty much what I wanted to say, but I just have a couple
19 of topics I would like to see implemented. And that would
20 be the steps, step, they used to call it step raises.
21 Basically what it is the more time you have with the
22 department, the more raise you got, the harder you worked,
23 the more raise you got. That would help 100 percent. I
24 know that would work. I'm positive it would work.

25 I make more than my sergeant. That's sad. You
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1 know, the sergeant should start off minimum at 35,000, in my
2 opinion.

3 Another thing I would like to see is they have
4 the -- I really like the State. I have worked hard for the
5 State, and they have treated me well. I would really like
6 to see -- they have this new program called FT0. It's
7 called field training officer. And basically what we do is
8 we'll take a cadet with four weeks, I believe, and we'll
9 just give him hands-on training. We will walk him through
10 the unit, and we will just do our jobs. They don't touch
11 anything. We watch them. We are their guardian angel.

12 And what I would like to see is I would like to
13 see the public come in and we do that with them, also. Of
14 course, they got to wear the brown suit, too, because if
15 they come in in civilians' clothes, inmates they are tipped
16 already. They get tipped off. They know it's somebody
17 important, and they are going to behave themselves

18 throughout. If you wear a brown suit, things will be
19 different. And I think the public needs to know what's
20 going on.

21 That's about all I have to say. That's what I
22 would like to see changed.

23 SHERIFF VANDERPOOL: How long has the FT0 been in
24 place?

25 MR. RUIZ: It just started maybe two months. I
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1 think it's an excellent idea, FT0. And that's about all I
2 have to say.

3 MR. BURKE: Thank you, sir.

4 MR. GUENTHER: Where are you working right now?

5 MR. RUIZ: I work on Winchester Yard.

6 MR. GUENTHER: What's the level there?

7 MR. RUIZ: The level is 3, but I call it a pretty
8 good 4, 4 Yard. You got a lot of inmates with a lot of time
9 to serve.

10 MR. GUENTHER: Thanks.

11 MR. RUIZ: It's a different yard. It really is.

12 MR. RICE: I am T. J. Rice. I have 19 years minus
13 57 days to go out the door on 20-year retirement. I have
14 been here. I have seen most of this stuff these people are
15 talking about. And it really, really bothers me the people
16 that have been up here talking that they don't understand a
17 lot of the things that's been going on.

18 The first thing I heard was that we lost a \$5,000
19 pay raise. The American Federation of State, County,
20 Municipal Employees had got that raise for us. It was taken
21 away from us because of the propane incident due to the

22 State. The legislators grabbed it and pulled it back. Why?
23 That takes money out of my pocket.

24 I make \$15.63 an hour at this time with 19 and a
25 half years in, 19 plus years, like I said, 57 days from the
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1 door.

2 I will be leaving. I have been a member of the
3 union 19 years. I have been the president, vice-president
4 and now a trustee. I have seen programs implemented,
5 programs taken away.

6 Like Mr. Proctor said, the canteen service here
7 who does our meals for us, them people are so intimidated
8 that it is pathetic. We had staff, regular line staff
9 running the dining halls with the certificates to run the
10 dining hall with the background and education for food
11 service. This was taken away. Canteen was brought in.
12 Canteen has now been with the department at least 10 years,
13 has approximately another five years to go on their
14 contract. They were given a 10-year contract last time the
15 contract came up.

16 They should have never been given a 10-year
17 contract. That should have been a minimum of two years
18 because they have never in the time I have been here have
19 never met their obligations and the goals set forth through
20 this department for staff, for the inmates as far as food is
21 concerned. The food here is substandard, very substandard.

22 You get a sandwich. You leave it sit on a counter
23 for 20 minutes, the baloney turns as green as that bottle
24 right there on your table, sir. Would you eat that

25 sandwich? It kind of makes you think. Trays, you look at
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1 the trays, the trays are black on the bottom, some of them
2 inside.

3 Your sally port over here, the one that's in the
4 interior was originally built for CDU, which is a Level 5
5 custody unit, administrative lockdown, and for transporting
6 inmates to and from this unit to other units within the
7 state. That's what it was originally put there for. That's
8 what it was originally used for, inmates that were
9 transferred off this yard, off this complex to other
10 complexes and into this complex.

11 I have watched other officers killed in accidents.
12 I didn't actually see the accident, but I felt the aftermath
13 of it. A bus load of inmates, four officers, one of them
14 died. That's Barchey.

15 Supplies, we have a hell of a time getting
16 supplies in our unit. We need trash bags. Oh, we can't get
17 those this week. Why can't we get trash bags? We didn't
18 have enough money in the budget for them or they will be
19 given out Friday. They buy one box a week, large trash
20 bags. You have trash sitting in the trash cans.

21 I sat in the control room approximately 20 feet
22 long and about eight feet wide eight hours a day. I am not
23 allowed to go out on the runs on Winchester yard to make my
24 rounds through my building because other people think, deem
25 it unsafe for me to be in that building by myself. I have a
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1 set of keys sitting there in my control room, but I still
2 can't use them.

3 There is one person per house. There is eight
4 houses. We have approximately 18 people per day on our
5 shift if we're lucky, if we don't have to send somebody out
6 for mandating or cross level mandate or whatever.

7 If we're lucky, we have 17 people plus four people
8 for support services if it's not a visitation day.

9 Would you feel safe on a yard like that,
10 especially with 90 percent of your inmates at a Level 4?
11 Makes it kind of hard; doesn't it? Now you see why I'm
12 leaving in 57 days. That's all I have.

13 MR. BURKE: Thank you, sir.

14 MS. LOWRY: Hi, my name is Karen Lowry. I come
15 from a different color. I'm the warehouse manager. I have
16 been with the department 10 years. I have been in brown
17 five years.

18 Like I said before, I think you pay for the
19 quality of worker you're going to get. I think that we need
20 some more training as far as some of the classes that were
21 taught at COTA and the way they're taught.

22 Sometimes because of staff shortages you may have
23 70 people in this classroom to watch a movie that I have
24 been watching for 10 years. The classes of training are way
25 too large. We need to cut that down, make it more

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1 personable. You are shoved in here. It's hot. You are
2 watching the same video, and people don't pay attention.

3 I am a supervisor. I'm fairly lucky, two of my

4 four staff have been COs. I think as gray shirts, we are
5 the other people. A lot of the gray shirts, which include
6 electricians, plumbers, the other warehouse, they don't go
7 through COTA. They haven't had the opportunities to learn.
8 They haven't been on a yard where you are surrounded with
9 500 inmates. They don't have that experience. They don't
10 have that knowledge. Yet they are on the roofs with inmates
11 with tools. They take inmates out the last gate. I have
12 public people come in here delivering goods to me. I have
13 inmates with the public.

14 Very rarely, but in my 10 years I have been in
15 situations. We had an incident here in our complex they
16 locked it down. We had to bus the inmates that go back to
17 Echo out. They wouldn't let them out. So I'm stuck with
18 two bus loads full of inmates. Luckily I had had the
19 experience and two of my staff had had experience to know
20 what to do.

21 I would like to see some training in critical
22 incidents. I would like to see some training -- you know, I
23 don't carry gas. I don't carry cuffs. I carry a radio.
24 And I depend on my fellow staff around me. But however,
25 because I am in an area where there are no correctional

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1 officers, I have two at the gate, which are 100 yards, and I
2 have one on another side of the building, those are my
3 response people. I have to be dependable. My staff depend
4 on me. I depend on them.

5 We need training. We need training. If my
6 workers get in an uproar, do my staff -- have they been
7 trained? I can't tell them to cuff up. I have no cuffs.

8 Sit down. What's going to happen? But because I have the
9 experience I am able to train my five staff. However, it's
10 not that way with all gray shirts. We are just as much
11 security as the brown shirts.

12 I also think as far as they had taken our tuition
13 reimbursement funds away from us. Okay. That's part of our
14 promoting. If I'm better educated, I'm better for the
15 department.

16 MR. BURKE: When were your tuition reimbursements
17 taken away?

18 MS. LOWRY: It was taken away -- they have
19 reinstated them -- 2001, I believe.

20 MR. BURKE: 2001 your tuition reimbursements were
21 taken away?

22 MS. LOWRY: Right.

23 MR. BURKE: When were they returned?

24 MS. LOWRY: Within the last six months.

25 MR. BURKE: In the last six months?

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1 MS. LOWRY: But during that period of time I
2 didn't get any tuition reimbursement. And I don't get any
3 increase, like a sergeant or a lieutenant if I get an
4 associate or a bachelor's because I am in a gray uniform.
5 But however, at 12:30 every day I put an inmate on a bus so
6 he can go down to Pima College and get a college education.
7 That doesn't motivate very many people.

8 State has been very good to me. I love my job.
9 And am I happy with my pay? It's livable. Times are hard
10 everywhere. Okay. I can go get another warehouse job

11 anywhere, make about the same money. I have benefits. I
12 have retirement. I love the people I work with. When I
13 came in, we were a family. Somebody took you under your
14 wing and said, hey, Lowry, you know what, you can do this,
15 you can't do this, this is kind of shaky. And you were
16 proud to say you know what, Sergeant Landers raised me. And
17 I hope some day I hear somebody say, you know what, Lowry
18 raised me. Because that's what I want to be known for, that
19 I took my experience and passed it on. That's not
20 happening. It's not happening.

21 I know we're broke as a State. But you know what?
22 If they would just give me a dime, just a dime would we be
23 satisfied? No. Would I know that you know what, somebody
24 thought about me this year? Yeah. Just a dime. You know,
25 it's not going to -- you are going to get three cents out of
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1 the dime, but you know what? Somebody thought about me.

2 I do this job. I know the risk when I hired on
3 here, and I walk through that gate every morning to do my
4 job. And every day at 2 o'clock I thank God that I get to
5 walk out of here. Some days some people aren't that
6 fortunate.

7 But I think that as far as motivation, it's the
8 people who have been here for a long time, you know, we're
9 the ones failing, not the system. We're the ones failing.
10 But as a system we have to motivate some people. Okay. And
11 it may just be a nickel a year or a dime a year, but more
12 than that you have to give them some incentives so they
13 learn to be accountable, so supervisors learn to be
14 accountable.

15 You know, if your mother and father are drug
16 addicts, what are you going to learn your first five years?
17 That's how life is. It's the same in here for us. We need
18 some motivation. Training I think is a big motivator. And
19 after what's happened I think people will take their
20 training a little bit different. And I would like to see
21 some different training as far as inmate contact, what
22 happens when we are in a situation because a lot of the gray
23 shirts don't know.

24 And that's about all I have to say. I think
25 training.

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1 MR. BURKE: Thank you very much.

2 MR. GUENTHER: Thank you.

3 MR. BORDELON: How are you all doing today? I am
4 Sergeant Bordelon. I have been with the department
5 10 years. I started in Winslow. I came down here for a few
6 years. I went over to Yuma, back up to Winslow, and I am
7 back here again. I have been back a year.

8 I have got to see a lot in my travels. I have got
9 to see a lot of the way people do things. I have got to see
10 how large institutions like this work and how small
11 institutions work. Do any of you all work with us? I mean
12 are you all independent outside? I wasn't here when it
13 started, so I'm not sure. None of you all work for the
14 department; correct?

15 MR. BURKE: No.

16 MR. BORDELON: So first off, I am going to say I
17 am really -- it's kind of hard for me to talk. I am ashamed

18 to be standing here begging outsiders for an opinion and for
19 help. What happened in Lewis can happen anywhere. There is
20 not a doubt in my mind. I have seen it. I would venture to
21 say that I could put any one of you all in a uniform and at
22 shift change without an ID card I will walk you right out of
23 this prison tonight.

24 So what happened over there does not surprise me
25 in the least. We have security measures for everything that

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1 can possibly go wrong. We refuse to enforce those security
2 measures. Our security up front, you see a nice little
3 metal detector there, and you see a staff member there. But
4 at shift change you don't check your staff. You don't check
5 them coming out. You don't check them going in. You don't
6 check what they are bringing in. I challenged my staff this
7 week to search every staff member coming in even though I am
8 not supposed to. And they did. And they came up with two
9 cell phones, seven cuff keys. And that's just the easy
10 stuff to find that they are not supposed to be bringing on.

11 MS. MORRISON: What do you mean you are not
12 supposed to?

13 MR. BORDELON: You can't bring a cell phone into
14 this institution.

15 MS. MORRISON: I thought you said you challenged
16 your staff.

17 MR. BORDELON: I'm not. As a matter of fact, the
18 lieutenant took the memo down. During the hours when there
19 is a shift change we have got five interior guards or six?
20 We have got six interior guards. That's a high influx of
21 staff to be coming in in one shot.

22 And it causes -- to do a proper search on a staff
23 member or nonstaff member, to look through their bag and
24 such takes time. So you have them posting late if you do
25 that. The reasoning why this -- I am not going to take it
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1 all one-sided. The reason why we stopped doing it up at
2 complex that I was told was because they are supposed to do
3 it on the unit level.

4 I have been around, the warden's comment, my God,
5 you are everywhere. Well, I am, it's my job. But they
6 don't do it on the unit level. So if we don't catch it
7 here, it goes right past us. Your cell phones that people
8 sell on the yard goes right past us, the whole nine yards.
9 It can go right in. It's not that hard.

10 We're going to only be as secure as we want to be.
11 And that takes hurting people's feelings, and that takes
12 arguing sometimes to get where you want to be.

13 There are things that can't come into this
14 institution without a warden's approval. The rule of thumb
15 is if it can't clear a metal detector, it can't come in. If
16 it's not see-through, it can't come in.

17 You can go watch out front. Everything comes in
18 here. Everything comes in this prison. In one day -- like
19 I said, you cannot carry a personal cuff key. I have seen
20 officers with knives inside the prison. That's wrong. They
21 shouldn't have them.

22 Most of the stuff that goes on that these officers
23 complain about is because one lone sergeant or 10 lone
24 sergeants can't do it. The reason why staffs don't buck

25 their opinion is because they get blackballed afterwards.
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1 That's a fact. I'm telling you people this.

2 Why don't you see a bunch of supervisors up here
3 right now? Because we don't want to get farmed out to
4 graveyard at SACRA. The good old boy system is alive and
5 well, and it's vicious.

6 Is there disciplinary procedures here for staff?
7 I have very little faith in them anymore. When I was in
8 Winslow, I had an officer with 42 no shows to work in six
9 months. Number 42 he decided not to come back to work. He
10 didn't get fired. He just decided not to come back.

11 That's a lot of paperwork on my end. That's a lot
12 of trying to keep the rest of the staff thinking, no, you
13 guys, don't follow his lead, don't do it. Well, why?
14 Nothing happens to him.

15 MR. BURKE: No shows means literally he just
16 didn't show up for work on a day?

17 MR. BORDELON: Exactly. No shows, didn't call in,
18 didn't come in.

19 MR. BURKE: Just didn't show up?

20 MR. BORDELON: Some of those were call-ins or sick
21 calls, but for the most part just didn't show. I got one
22 here. I heard somebody else mentioned it earlier. Some
23 things are tough. You know, if a guy makes a mistake, no
24 matter how big or how small, if he shows some remorse, I
25 guess that's on a different level than I am.

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1 If you produce a UA for an inmate and you say I
2 don't know what I was thinking when I did that, is that
3 forgivable? I do not believe, I may be wrong, but I don't
4 believe that there is a charge for me to give that officer.
5 I don't think I have got a rule that says that you cannot
6 produce a UA for an inmate.

7 But I have got staff who are looking at this guy
8 right now and saying, sarge, he is on our last line of
9 defense now, if he is going to pee for an inmate, what else
10 is he going to do? And they are working side by side.
11 Self-admittance. Yeah, I did it.

12 I have females write letters. Oh, yeah, I was
13 corresponding with him, it was a bad mistake. They get
14 moved to another yard and given another chance.

15 Our staffing levels used to be really high. We
16 had all of these FTEs everywhere. And you had your
17 officers' unity was tight, it was thick, and it was
18 unbreakable by inmates. And if you were having problems
19 outside of here, you had enough officers to talk to and to
20 back you up and support you and get you through it without
21 being alone because there is not enough staff and pouring
22 your heart out to a crook. And when you do that, that's
23 when you get bit, and that's when you cross the line,
24 especially if you have got a big heart as a person to begin
25 with, especially if you are a female going through a divorce

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1 and this guy is going to show you some kindness.

2 Through attrition we lost a lot of FTEs and
3 staffing. When I used to work Cimarron as an officer, we

4 got 42, 43 staff on deck on any given day on day shift.
5 They run with 22 now. And I asked where did they go? Where
6 did everybody go? Well, their position numbers aren't there
7 anymore. The FTEs are gone. Well, where did they go? We
8 deleted them. So now they call for a 10 percent cutback.
9 And we allow 10 percent of our staff, we lose them through
10 attrition, and we don't replace them.

11 Then we deem, well, we never needed them anyway,
12 and we erase those FTEs. And then a panel comes in and says
13 you are 3,600 staff understaffed, your staffing is
14 underpaid, the biggest part of the last thing we paid
15 \$2 million for from ex-wardens and ex-directors from around
16 the country is what we were told.

17 And what do they give us in return? These are the
18 results, you are understaffed and underpaid, and without
19 these two things you are not going to run your prison right.
20 A month later, I'm sorry, State's belly up, 10 percent
21 cutback. A 10 percent cut back from a 30 percent loss is
22 what it was.

23 And all of this stuff makes it hard to keep your
24 staff's morale up. The best thing I can do for my staff
25 when I have had a kick ass day is bring in doughnuts

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1 tomorrow morning. They may not see it from above, but they
2 know I appreciate what they did. You know, buy them lunch.

3 We shouldn't be sitting here talking to you people
4 right now. This is our problem. I appreciate the fact you
5 are willing to look at it. But after what I've seen here in
6 10 years I only hope you guys can make a difference for us
7 because you are the last thing we got. We can't strike. We

8 can't go sit on the front lawn of the Governor's house. It
9 needs to come from the top and bleed down.

10 You know, sometimes you got to run stuff with an
11 iron fist and sometimes you have got to hold people
12 accountable for what they do and what they don't do and more
13 right now it's what they don't do.

14 My partner has been moved from place to place to
15 place to place because he just can't get it together,
16 another fellow supervisor. When a unit goes under in IMS,
17 he grabs a ham sandwich and runs for the damn perimeter. So
18 I come out of my post and come out to ensure my staff are
19 getting things done. Will anybody look at that? Nope.

20 MR. GUENTHER: Where are you working now?

21 MR. BORDELON: I am working a complex, mainly I am
22 at CDU. I have been there a year, a little over a year, the
23 Complex Detention Unit.

24 MR. GUENTHER: And overall you have been here
25 14 years?

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1 MR. BORDELON: No. 10.

2 MR. GUENTHER: 10 years, thank you.

3 MR. BORDELON: Our problems are our own, and our
4 problems are caused by ourselves. But trying to get
5 people -- supervisors should find the root of their problem,
6 not try and find the harmony. If two people are going after
7 it, it's not let's make them happy and send them on their
8 way. Find out what the root of the problem is. Nobody
9 wants to see the root anymore. It's embarrassing. So let's
10 just keep buffering the top. Well, the top is old, I don't

11 want to look at it no more. I want to get back to basics.

12 For everything that could possibly go wrong we
13 have something in place for it, and it's been changed over
14 and over, and everybody who comes in charge tweaks it a
15 little bit. But it's all there. Our policy book is wider
16 than my arm. Our procedural book is that wide. We have got
17 institutional orders that cover that. We have got post
18 orders that cover those. There is nothing that can happen
19 here that we can't cover. But we refuse to look at the
20 problems.

21 Lewis was a bad thing, not something I wanted to
22 see. Damn sure nothing I wanted to see for two weeks. I
23 was hot. I was very mad about it because now my staff have
24 to look at it and say, Bordelon, if an inmate gets me in
25 that gate, I can't open the gate, but my alternative is two

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1 weeks in there with that cat, I am pushing the button, be
2 free.

3 We set a bad example with two weeks. I'm glad
4 they got out alive, but the stories I've heard, I wasn't
5 there, but the stories I've heard we had three
6 opportunities, three opportunities to take those two guys
7 out.

8 MR. BURKE: Well, that was refuted last night by
9 the tactical team involved.

10 MR. BORDELON: My tactical supervisor that was
11 there told me that was true. He saw it with his own eyes.

12 MR. BURKE: Well, we would like to talk to him
13 because last night we were at Lewis, and we spoke to the
14 tactical team, and they said that --

15 MR. BORDELON: I will give you the name, Mark
16 Versluis. He is not here today because he did not want to
17 go through this. He considered it a political movement, and
18 he didn't want to deal with it.

19 MR. BURKE: I am telling you what we heard last
20 night from the tactical team and one of the sergeants who
21 was involved in it.

22 MR. GUENTHER: The problem was not that they might
23 not have had both inmates in a scope at the same time, but
24 one of the rifles -- one of the posts was only manned with a
25 223, and there was no way that that 223 was going to

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1 penetrate that tower.

2 MR. BORDELON: Understandable. Understandable.
3 His report to us was they had the -- what was it? A 308?
4 Is that what it was?

5 MR. GUENTHER: One of the posts was a 308. The
6 other post was 223, and of course the 223 shot --

7 MR. BORDELON: Mark had a big play up there. Mark
8 Versluis, Lieutenant Versluis. He is with Tucson --

9 MR. BURKE: Well, we would like to talk to him
10 because the tactical team from Lewis testified yesterday at
11 length and said that that was not true that there was an
12 opportunity for the two of them with proper weapons to take
13 them out.

14 MR. BORDELON: Okay. If that be true, you have
15 some information that's better than mine then.

16 Would it be true to say that those gates were open
17 and the -- or that the inmate walked through the gates up to

18 the tower?

19 MR. GUENTHER: The last gate had to have been
20 buzzed in. The first door had to be buzzed in. The second
21 door was unlocked.

22 MR. BORDELON: Do you agree or disagree that
23 common practice up there was to see brown and let him in?

24 MR. GUENTHER: Yes.

25 MR. BURKE: Yes.

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1 MR. BORDELON: Do you think that common practice
2 had anything to do with the supervisor's unawareness or the
3 fact that he just didn't care and allowed it to be
4 unawareness? See what I'm saying?

5 MR. RIVELAND: I think there is a point here that
6 is difficult to deal with. There is a piece of information
7 that we don't have yet, and that's the internal
8 administrative review. We have heard a lot of different
9 pieces to this, some of which are in conflict. Some of the
10 stories are in conflict. And I think basically what you
11 said up to this point is true other than the fact that they
12 never had a chance for a shot --

13 MR. BORDELON: And I would like to know I was
14 wrong on that.

15 MR. RIVELAND: We need to have that administrative
16 review before we can put all the substance to this thing.
17 It's a very important part of this whole thing. What we
18 don't want to deal with is secondhand rumors --

19 MR. BORDELON: Right.

20 MR. RIVELAND: -- because we heard some of that
21 early on, and that led us in the wrong direction, I think.

22 MR. BORDELON: Right. Okay. I would love to be
23 corrected on that. I would love to see that to be wrong.
24 But when I got that information, that struck me real bad.

25 MR. RIVELAND: Let me add one thing to that. It
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1 was true at the time that they had the sight of the two guys
2 they were inside behind the Lexan. The awning had not yet
3 gone around the glass. But the other problem at that point
4 in time is people didn't really know at that point what
5 impact firing through the Lexan was going to be. If they
6 can get through it, but was the round going to rise or was
7 it going to dip? Because as you know, on the tower the
8 Lexan is angled. And at a point in time later on
9 subsequently it was arranged for them to practice on the
10 glass and find out, but that was several days later.

11 So after that point in time then the apron went up
12 around the glass, and there was no opportunity for the two
13 of them to get a shot at the same time. That's pretty
14 clear.

15 MR. BORDELON: Okay. As I was saying, with the
16 information I got it upset me greatly. If that information
17 is wrong, there is nothing that would make me happier, you
18 know, than the fact that we never had a chance, that's why
19 it took so long. Okay. But if we had that chance, yeah,
20 when I heard that, I got upset.

21 MR. RIVELAND: The other part is that I find most
22 interesting is that, and you know this better than I do,
23 actually, I have only been in the tower one time, the other
24 night, is that those towers are built to be almost

25 unassaultable and to believe, in fact, the tac team was
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1 telling us one little theory or thing that they ran through
2 their minds was trying to take the shotgun slugs, run a hole
3 into it and then pump gas into it. The reality is and they
4 realized it is that even if that worked, even if the slug
5 made the hole big enough, the hostages are dead before any
6 gas gets in or they are dead even after the gas --

7 MR. BORDELON: Exactly. You couldn't walk up to
8 that tower without being seen. And it was made -- that's
9 the newest thing we've got. Of course it's impenetrable.
10 That's what we wanted, you know. But we never planned on it
11 being used against us either.

12 But it goes back to common practice and what
13 supervisors allow and what supervisors allow, you know. And
14 if your basic security rules would have been followed, we
15 wouldn't be sitting here right now. But it's all over.

16 MR. GUENTHER: We are going to provide you with
17 the information that we obtain, so that everybody is working
18 off the same page as to what is hearsay and what is, as best
19 we can determine, factual.

20 MR. BORDELON: There is two sayings we use, and
21 they are fading out fast, don't cross the line, don't cross
22 between an inmate and the officer, and security is not
23 convenient. And as long as security is not convenient and
24 you are not hurrying up to make somebody happy, you are
25 going to do all right.

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1 MR. BURKE: Thank you.

2 MR. GUENTHER: We appreciate your coming down.

3 MR. BURKE: I apologize. We are going to have to
4 call it an evening.

5 MS. PERFETTO: I was wondering if I could just get
6 a couple of minutes.

7 MR. BURKE: We were going to end at 4:30. If you
8 can keep this to two minutes, then we're done.

9 MS. PERFETTO: I can do that. I can talk rather
10 fast sometimes. I'm CO Perfetto. I have been a little over
11 10 years with the department, everywhere from Winslow,
12 Apache, Yuma and here, half the time in uniform through
13 sergeant, and I am now a CO IV, which is a program
14 supervisor.

15 I am trying to give a little bit of a different
16 vantage point. Obviously what happened didn't happen over
17 the last six months or the last year or two. It's something
18 that's been going on for quite awhile with the department.

19 I'm not going to try and second-guess what
20 happened at Lewis. I used to work Dakota. I have dealt
21 with the exact same tower. I have worked it.

22 We have some things that I think really need to be
23 looked at. For example, the clearances that we give to
24 inmates with going by policy may need to be looked at and
25 tightened up. They might need to be a little bit wider.

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1 The problem with that is we are obligated to
2 different places, such as the Department of Transportation
3 at every institution in this State to where we have X amount

4 of inmates assisting, and this is a cost savings to the
5 taxpayer, might be something to be looked at.

6 Instead of sending out the crews with less staff,
7 as we are doing all across the state, look at how much
8 savings we are keeping from the other department, and maybe
9 make some sort of compromise, so whereas we can get some of
10 that saving to us and have a win-win situation.

11 The D-Levels tie into that. We go to D-Level,
12 D-Levels, well, not D-Level itself, but the staffing
13 situation in my time with the department has gone lower. I
14 have never seen it go higher on any yard I have worked on.
15 When you have less people to do the same things and the same
16 obligations, people get multitasked to the point, and with
17 any stress you can do well at a high performance rate for so
18 long, and then you have a serious downward turn. And that's
19 what's happening statewide.

20 We have the Lewis Unit, which has -- I am sure you
21 have better statistics than I -- but upwards of 80 percent
22 of the COs are on original probation with no experience. If
23 we could find a way to get staff from across the state to
24 rotate up there, give them some experience. For example,
25 the weapons what I looked at they looked like oven racks.

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1 Any experienced officer would know to check those and make
2 sure they were not missing, but if you are not experienced,
3 when I first worked a kitchen, I didn't know what those were
4 or to worry about them.

5 The hostage situation, and an example we had a
6 hostage situation here in Tucson in 2000. It was over in a
7 couple of hours because we had experienced staff that knew

8 how to handle it, and it was done with no staff injuries
 9 with two staff were taken hostage then.

10 MR. BURKE: When was that?

11 MS. PERFETTO: 2000. That would have been before
 12 the warden promoted --

13 UNIDENTIFIED STAFF: The inmates helped resolve
 14 that.

15 MS. PERFETTO: Yes, they did. But at the same
 16 time experienced staff makes a difference. You can't not
 17 have experienced staff and expect things to work well. I
 18 know how foolish I was with a year in the department. I
 19 thought I knew it all. It would have been scary if I was
 20 senior person on the shift.

21 MR. GUENTHER: Do you have a couple of final
 22 points?

23 MS. PERFETTO: That's pretty much it.

24 MR. BURKE: Thank you.

25 (Whereupon the panel recessed at 4:44 P.M.)

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1 STATE OF ARIZONA)
 2 COUNTY OF PIMA)
 3 I, RAYNBO SILVA, Certified Court Reporter in the
 4 County of Pima, State of Arizona, certify:
 5 That the foregoing BLUE RIBBON PANEL was held
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 7 That the foregoing 184 pages comprise a full, true
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 9 DATED this 16th day of February, 2004.
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